

15
225/442

RETURN TO ADDRESS.

COPIES OF THE PETITION

ADDRESSED TO THE

GOVERNOR IN COUNCIL

BY THE HONORABLE MESSIEURS

CHAPLEAU, CHURCH AND ANGERS

PRAYING FOR THE DISMISSAL OF

HIS HONOR LUC LETELLIER,

LIEUTENANT-GOVERNOR OF THE PROVINCE OF QUEBEC;

AND OF THE ANSWER MADE TO THE SAID PETITION BY THE SAID
LIEUTENANT-GOVERNOR; AND OF THE REPLY MADE BY THE
SAID HONORABLE MESSIEURS CHAPLEAU, CHURCH AND
ANGERS TO THE SAID ANSWER, AND ALL COR-
RESPONDENCE AND PAPERS RELATING
TO THE SAID SUBJECT.

(19)



OTTAWA

PRINTED BY MACLEAN, ROGER & CO., WELLINGTON STREET.
1879.

ERRATA.

The arrangement of the pages should be as follows:—

1. Petition from pp. 2 to 29.
2. Lieutenant-Governor's answer from pp. 36 to 40.
3. Reply from pp. 30 to 36.

To an A
cop
Ho
of
Qu
Go
Ch
pap

DEPART

CANADA
Prov

To His Ex
the M
of the

Josep
Assembly
Church, of
Province of
of Quebec,
Respe
That
Quebec ad
Governor
Honor the
19-

RETURN

(19)

To an ADDRESS of the HOUSE OF COMMONS, dated 20th February, 1879;—For copies of the Petition addressed to the Governor in Council by the Hon. Messrs. Chapleau, Church and Angers, praying for the dismissal of His Honor Luc Letellier, Lieutenant-Governor of the Province of Quebec; of the answer made to the said Petition by the said Lieutenant Governor, and of the reply made by the said Hon. Messieurs Chapleau, Church and Angers to the said answer, and all correspondence and papers relating to the subject.

By Command.

J. C. AIKINS,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
27th February, 1879.

PETITION.

CANADA,
PROVINCE OF QUEBEC. }

To His Excellency General Sir Patrick Leonard McDougall, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of Canada, &c., &c., &c.

IN COUNCIL.

Joseph Adolphe Chapleau, of the City of Montreal, Member of the Legislative Assembly of the Province of Quebec, for the County of Terrebonne; Levi Ruggles Church, of the said City of Montreal, Member of the Legislative Assembly of the Province of Quebec, for the County of Pontiac, and Auguste Real Angers, of the City of Quebec, Queen's Counsel—by this their petition

Respectfully represent,

That on the 8th March, 1878, the Legislative Assembly of the Province of Quebec adopted the following Address to be presented to His Excellency the Governor General of Canada, to the Senate, to the House of Commons and to His Honor the Lieutenant Governor of the Province of Quebec, to wit:

Exhibit No. 1.—"The humble address of the Legislative Assembly of the Province of Quebec respectfully sheweth :

"That it appears from the explanations given by the Honorable Mr. Angers, and from the official correspondence communicated to this House, that His Excellency the Lieutenant Governor acknowledges that the Members of the DeBoucherville Cabinet have acted in good faith in the discharge of their duties.

"That His Excellency has allowed the measures submitted by his Government to this House and to the Legislative Council to be discussed and voted upon without order on his part to suspend them.

"That, whilst asserting their devotion to our Gracious Sovereign and their respect towards His Excellency the Lieutenant-Governor of this Province, this House is of opinion : That the dismissal from office of the De Boucherville Cabinet having taken place without reason constitutes an imminent danger to the existence of responsible Government in this Province, is an abuse of power in contempt of the majority of this House, whose confidence they possessed and still possess, and is a violation of the liberties and will of the people.

"And your petitioners will ever humbly pray"

That on the same day the Honorable Legislative Council of the Province of Quebec adopted the following Address to be presented to His Excellency the Governor-general, to the House of Commons, to the Senate and to His Honor the Lieutenant-Governor, to wit :

Exhibit No. 2.—"The humble address of the Honorable the Legislative Council of the Province of Quebec respectfully sheweth :

"That it appears from the explanations given by Honorable M. de Boucherville, and from official correspondence communicated to this House that His Excellency the Lieutenant-Governor acknowledges that the Members of the de Boucherville Cabinet acted in good faith in the discharge of their duties.

"That His Excellency permitted the Bills submitted to this House and to the Legislative Assembly to be discussed and voted upon without any order on his part to suspend them.

"That whilst expressing its loyalty and devotion to our Gracious Sovereign, and its respect for the Lieutenant-Governor of this Province, this House is of opinion : That the dismissal from office of the DeBoucherville Cabinet having taken place without sufficient cause, constitutes an imminent danger to the maintenance of responsible Government in this Province ; is an abuse of power exercised in contempt of the majority of both Houses (whose confidence they possessed, and still possess), and a violation of the rights and will of the people."

That the circumstances under which the Legislative Assembly and the Legislative Council of the Province of Quebec adopted the above resolutions are contained in the Ministerial explanations given to the Legislature on the 8th March, 1878, of which the following is a copy extracted from the Votes and Proceedings of the 9th of the same month :

Exhibit No. 3.—"M. DeBoucherville had received permission from the Lieutenant-Governor to give explanations respecting his dismissal from office at the sitting on Monday, the fourth March, instant. Between half-past one and two o'clock of the same day he received from His Excellency a notice not to give any explanations until the new Cabinet had been formed.

"This event having been announced, the late DeBoucherville Government has the right, in virtue of the permission so obtained, to give its explanations to the House and to the country.

"It is my duty to announce to the House that the DeBoucherville Government did not resign. A Government possessing the confidence of the great majority of the representative assembly, and of almost the whole of the Legislative Council, has no right to resign if it has really at heart the interests of the country and a respect

for its
The fr
day to
follow
"re
receiv
letter

"To t

"

"

consid

"

of the

Occide

respec

"

the co

the No

"

agreed

"

and a

Comm

ations,

"

roads.

"

entrust

"

Houses

"

poration

conditi

"

present

survey

"

the Ho

"

tion the

"

ment n

Law, an

of mon

any ma

post fac

"

was also

mitted t

1

for its duty. This Government was dismissed from office by the Lieutenant-Governor. The facts which preceded and followed this event are entered in a Journal kept from day to day and from hour to hour, under the dictation of the ex-Premier, and the following is an exact and faithful recital thereof;

"On the 26th February, 1878, at about half past four o'clock p.m., the Premier received from the Lieutenant-Governor, through his Aide-de-Camp, the following letter:—

"GOVERNMENT HOUSE,

"Quebec, 25 February, 1878.

"To the Honorable C. B. DEBOUCHERVILLE.

"Premier of the Province of Quebec.

"The Lieutenant Governor desires the Executive Council to prepare for his consideration a factum, including a copy of the following documents:—

"1. A copy of the Acts of the Dominion Parliament authorizing the construction of the Railway now known under the name of the 'Quebec, Montreal, Ottawa and Occidental Railway,' as well as a copy of the Acts of the Legislature of Quebec respecting the same railway.

"2. A copy of the Acts of the Legislature of the Province of Quebec respecting the construction of the Railway between Quebec and Montreal, commonly known as the North Shore Railway.

"3. A copy of the By-laws of each of the Municipal Corporations by which they agreed to assist in the construction of the said road.

"4. A statement of the amount of the grant paid by each of those corporations, and a copy of the correspondence exchanged between the Government, the Railway Commissioners, or the Contractors of the said road, and the said Municipal Corporations, with respect to their said grant or subsidy.

"5. A copy of the several contracts entered into for the construction of the said roads.

"6. A copy of the official or confidential reports of the Engineers to whom was entrusted the location of these lines of railway, in whole or in part.

"7. A copy of the Report of the Railway Commissioners, laid before both Houses during the present Session, respecting the said roads.

"8. Copy of the representations made to the Government by the Municipal Corporations interested, or by the ratepayers of these municipalities, respecting the condition of their grant or subsidy.

"9. Copy of the resolutions proposed to the Provincial Legislature during the present Session, respecting the said subsidies, and to facilitate the payment and survey of the same.

"10. Copy of the Bill based upon the said resolutions, which was introduced into the House during the present Session.

"11. A plan showing the locations of each of the said Railways, or of any portion thereof.

"12. A detailed statement of the reasons which induced the Provincial Government not to content themselves with the provisions of the Statute and Common Law, and with those of the Civil Code of this Province, for the recovery of the sums of money which might become due by the said Corporations, but without having in any manner previously consulted with the Lieutenant-Governor, to propose an *ex post facto* legislation to compel them thereto.

"Another very important measure to provide for the imposition of new taxes, was also similarly proposed to the Legislature, without having been previously submitted to the Lieutenant-Governor.

"The Lieutenant-Governor is perfectly aware that measures of secondary importance, which have previously been sufficiently explained to him, may be, as a matter of routine, proposed to both Houses without an express order from himself, but he cannot allow the Executive to communicate to the Legislature on his behalf any important or new measures without his special order, and without his having been previously fully informed and advised thereof.

(Signed)

"LUC LETELLIER,

Lieutenant-Governor.

"The Premier prepared his answer during the nights of the 26th and 27th February. This answer was delivered by him in person to the Lieutenant-Governor at Spencer Wood about ten o'clock, a.m., on the 27th. It reads as follows:

"QUEBEC, 27th February, 1878.

"To His Excellency the Hon L. LETELLIER DE ST. JUST,
Lieutenant-Governor of the Province of Quebec."

"MAY IT PLEASE YOUR EXCELLENCY,—I have the honor to acknowledge the receipt of the memorandum sent me yesterday afternoon by Your Excellency, through your Aide-de-camp, who, at the same time informed me that you were ill in bed. I submitted this memorandum to the Executive Council and I shall see, as Your Excellency desires, that all due diligence be used, in order that all the documents required may be transmitted to you as soon as possible."

"In anticipation of the factum desired by Your Excellency, which will contain a more detailed statement of the motives which induced the Provincial Government to bring in the measures to which you draw my attention, I consider it my duty to represent that the reasons which, amongst others, caused the Government to submit to the Legislature a law obliging the municipalities, to pay their subscriptions for the construction of the Provincial Railway, on the decision of the Lieutenant-Governor in Council, after a sworn report made by a competent Engineer, and after a notice of fifteen days, to give such municipalities an opportunity of being heard,—are the ill-will of certain municipalities, shown by some in their neglect to comply with the requests of the Treasurer, by others in their formal refusal to pay, and in certain cases, by resolutions adopted asking new conditions respecting the agreements which they had made with the Government.

"The Government was of opinion that, without such legislation, the object of which is to avoid the delays of ordinary legal proceedings, the result of the ill-will of these municipalities would have been either to necessitate a new loan by the Province and, consequently, to cause a burden to be unjustly imposed upon municipalities which had entered into no engagements and which would derive no immediate benefit from the construction of the road, or the complete stoppage of the works already begun, together with the inevitable loss of interest on the enormous capital already laid out upon this enterprise, and the other damages resulting therefrom.

"The Government, while undertaking, in the first place, by the said law, to fulfil the conditions which it had agreed upon with the said municipalities, considered that, in substituting for the ordinary courts, the Lieutenant-Governor, with an Executive Council responsible to the Legislature and to the people, it offered to the parties interested a tribunal which afforded as many guarantees as the ordinary courts.

"I would also take the liberty of calling Your Excellency's attention to the fact that similar provisions are already in our Statutes.

"I would cite to Your Excellency Chapter 83 of the Consolidated Statutes of Canada, and also Chapter 47 of 36 Victoria of the Statutes of Ontario.

"I humbly submit to Your Excellency that a law devised for the better securing of the execution of a contract cannot have a retro-active effect. It enacts for the future and its objects are the respective interests of the parties.

"Now, I beg Your Excellency to note, that while you were at Rivière Ouelle, I had the honor of requesting your authorization to lay the question of Finances before the House, and that you were kind enough to reply that you sent me a blank form by mail, and I considered this, at the time, as a great mark of confidence on your part. I did, in effect, receive a blank form with your signature, which I handed to the Treasurer, who had it filled up by your Aide-de-Camp.

"Later on, I had the honor of requesting Your Excellency's authorization generally to lay money questions before the House, and this Your Excellency granted with your usual condescension. This permission, moreover, had invariably been accorded me by your predecessor, the late lamented Mr. Caron.

"I must admit that with this authorization and the conviction in my mind, that Your Excellency had read the Treasurer's Budget Speech, in which he announced the taxes which were afterwards proposed, I considered I had a right to inform my colleagues that I had your permission for all questions respecting money.

"I beg Your Excellency to believe that I never had any intention of arrogating to myself the right of having measures passed without your approval, and that under existing circumstances, having had occasion to speak to Your Excellency in reference to the law respecting the Provincial Railway, and not having received any order to suspend it, I did not think Your Excellency would discover in this measure any intention on my part to slight your prerogatives, which no one is more disposed than I am to respect and uphold.

"Your, &c., &c.,

(Signed) "C. B. DEBOUCHERVILLE."

"After some conversation, the Lieutenant Governor having heard M. DeBoucherville's explanations, admitted that, if there had been any misunderstanding, it was in good faith on the part of the latter in authorizing his colleagues to say that they were authorized to submit the legislation in reference to money matters.

"He afterwards told him, in reply to his question on the subject, that the only difficulty remaining was the question of the Quebec, Montreal, Ottawa and Occidental Railway, and that he would give an answer on the following day, the 28th February.

"On the 28th February, at about half past seven in the evening, Mr. DeBoucherville went to Spencerwood to convey to the Lieutenant-Governor the documents asked for in the letter of the 25th (which documents were prepared by the Honorable the Secretary, and were accompanied by a synopsis). He asked him if he would soon give his answer. The Lieutenant-Governor told him he would examine the documents and probably give it to him on the following day, the 1st March.

"On leaving, Mr. DeBoucherville said: 'If I understand you rightly, you are hesitating between giving your sanction to the Railway Bill and reserving it.' He replied: 'That is it.'

"On the 2nd of March, at five minutes to one in the afternoon, the Aide-de-camp of the Lieutenant-Governor handed to Mr. DeBoucherville the letter given hereafter.

"Before the Aide-de-camp left, he was asked how His Excellency was. The Aide-de-camp replied that he was not so well, and then asked when we intended closing the Session. Mr. DeBoucherville replied that he could not say, as many matters were in arrears.

*See
Hutch's
article*

"The following is the letter in question :—

"GOVERNMENT HOUSE,
Quebec, 1st March, 1878.

"To the Honorable C. B. DeBoucherville, Premier, Quebec :—

"The Lieutenant-Governor, taking into consideration the communication made to him verbally (on the 27th February) by the Premier, and also taking into consideration the letter which the Premier then gave to him, is prepared to admit that there had been no intention on the part of the Premier to slight the prerogatives of the Crown, and that there was only on his part an error committed in good faith in the interpretation that he gave to words used by the Lieutenant-Governor in the interview which they had on the 19th February instant; words which did not imply the authorization attributed to them by the Premier.

"With this interpretation and the instructions given in consequence by the Premier to the Honorable Messrs. Angers and Church, these gentlemen did not, willingly, do anything against the duties of their office.

"As to the blank, which the Lieutenant-Governor addressed to him from Rivière Ouelle, the Lieutenant-Governor knew that such blank was to be used for the purpose of submitting the Estimates to the House.

"This act was a token of confidence on his part, as stated by the Premier in his letter of the 27th, but it was confidential.

"The Lieutenant-Governor deems it his duty to observe that in his memorandum of the 25th February last, he in no way expressed the opinion that he thought that the Premier ever had the intention of arrogating to himself the right of having measures passed without his approval, or of slighting the prerogatives of the representative of the Crown.

"But the Premier must not lose sight of the fact that although he had not so intended, the fact remains as he was told by the Lieutenant-Governor.

"The fact of having submitted several new and important measures to the Legislature, without having previously, in any manner, consulted the Lieutenant-Governor, although without any intention of slighting his prerogatives, gives rise to one of those false positions which places the representative of the Crown in a difficult and critical situation with references to both Houses of the Legislature.

"The Lieutenant-Governor cannot admit that the responsibility of this state of things rests upon him.

"So far as concerns a Bill entitled "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway," the Premier cannot apply to the measure the pretended general authorization mentioned by him in his letter, for their interview took place on the 19th February and the Bill had then been before the House for several days, without the Lieutenant-Governor having been in any manner informed of it by his advisers.

"The Lieutenant-Governor then told the Premier how much he regretted such legislation; he represented to him that he considered it to be contrary to the principles of law and justice. Notwithstanding this, the measure was pushed on until it was adopted by both Houses.

"It is true that the Premier gives in his letter as one of his reasons for so acting, 'that this permission of making use of the name of the representative of the Crown had been, moreover, always allowed him by the predecessor of the present Lieutenant-Governor, the late lamented Mr. Caron.'

"This reason cannot avail with the Lieutenant-Governor, for by so doing he would abdicate his position as representative of the Crown—a proceeding which neither the Lieutenant-Governor nor the Premier could reconcile with the duties of the Lieutenant Governor-towards the Crown.

"The Lieutenant-Governor regrets being compelled to state, as he told the Premier, that he has generally not been explicitly informed of the measures adopted

by the
the Pre
"T
lature,
of the
"1
railway
railway
time wh
"2
of Legi
financia
"T
opinion
employ
with th
conditio
the Lie
secure
would b
Treasur
"T
the Gov
to incre
"T
Premier
serve as
"1
in his q
subjects
steps co
"2
placed
Legisla
constitu
"T
and doc
"P
citizens
resoluti
Occiden
"T
tion of
before t
"T
the Pre
'An Ae
'P
memora
no long
tives of

by the Cabinet, although the Lieutenant-Governor often gave occasion therefor to the Premier, especially during the course of last year.

"The Lieutenant-Governor, from time to time, since the last meeting of the Legislature, drew the attention of the Premier to several matters respecting the interests of the Province of Quebec, amongst others :—

"1. To the enormous expenditure occasioned by very large subsidies to several railways when the Province was burdened with the construction of the branch line of railway from Quebec to Ottawa, which should prevail over all others; and that at a time when our finances compelled us to raise loans disproportionate to our revenues.

"2. On the necessity of reducing the expenses of the Civil Government and those of Legislation, in place of having recourse to new taxes, with a view of avoiding financial embarrassment.

"The Lieutenant-Governor, although with regret, expressed to the Premier the opinion that the Orders in Council, for the increase of the salaries of Civil Service employees, seemed to him inopportune at a time when the Government had effected with the Bank of Montreal a loan at the rate of seven per cent. for half a million, on condition of increasing this loan to one million, and, in fact, to-day even (1st March) the Lieutenant-Governor was obliged to allow an Order in Council to be passed to secure the last half million for the Government, without which the Government would be unable to meet its obligations, as stated to him by the Honorable the Treasurer, by order of the Premier.

"The Premier did not either then or since inform the Lieutenant-Governor that the Government were in so impeccunious a condition as to require special legislation to increase the public burdens.

"The Lieutenant-Governor therefore stated and repeated these facts to the Premier, and now deems it his duty to record them here, in order that they may serve as a memorandum for himself and the Premier. It results therefore :—

"1. That although the Lieutenant-Governor had made several representations, in his quality of representative of the Crown, to the Premier on those various subjects of public interest, his advisers have taken administrative and legislative steps contrary to such representations, and without having previously advised him.

"2. That the Lieutenant-Governor has, without evil motives, but in fact, been placed in a false position, by being exposed to a conflict with the desires of the Legislature, desires which he acknowledges to be paramount, when expressed in a constitutional manner.

"The Lieutenant-Governor has attentively read and examined the memorandum and documents which the Premier was kind enough to bring him yesterday.

"In the record are petitions from several municipal corporations, and from citizens of different localities, addressed to the Lieutenant-Governor, against the resolutions and the Government Bill respecting the Quebec, Montreal, Ottawa & Occidental Railway.

"The Lieutenant-Governor was only yesterday in a position to take communication of some of those petitions, inasmuch as they had not been transmitted to him before the record.

"The Lieutenant-Governor, after mature deliberation, cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill entitled 'An Act relating to the Quebec, Montreal, Ottawa & Occidental Railway.'

"For all these reasons, therefore, the Lieutenant-Governor cannot consider this memorandum without expressing to the Premier the regret which he feels in being no longer able to retain him in his position, contrary to the rights and prerogatives of the Crown.

"(Signed)

L. LETELLIER,

Lieut.-Governor.

"On the 2nd March, about two o'clock, p.m., Mr. DeBoucherville went to Spencer Wood; when he arrived he was admitted to the presence of the Lieutenant-Governor and told him that according to the memorandum received from him that day, he understood that he was dismissed from the office of Premier.

"The Lieutenant-Governor told him he was to take his own interpretation from the letter. Upon this Mr. DeBoucherville handed him the letter, which will be found further on, as being his answer.

"The Lieutenant-Governor, without opening it before him, made some remarks on the difficulty in which the legislation had placed him.

"Mr. DeBoucherville replied that in 'his present position, he thought he had no opinion to express on the subject.' He then bowed himself out. When he had proceeded a short distance from the house, he caused the vehicle to return, having forgotten to ask permission from the Lieutenant Governor to give explanations to the House. After having been a second time admitted to the presence of the Lieutenant-Governor, he asked permission to give explanations and to make known the memorandum of the Lieutenant-Governor and his replies thereto.

"The Lieutenant-Governor told him he had no objection, and asked him as to the person he should send for. Mr. DeBoucherville replied that he looked upon himself, having been dismissed, as being in a different position from a Minister who, although defeated in the House, still retained the confidence of the Sovereign; that he had had a majority of twenty-five in one of the late votes, that under these circumstances he did not think he could advise him in the matter. He then left him, and while in the ante-room, the Lieutenant-Governor recalled him, and said: 'Please delay the explanations until Monday.'

"The following is a copy of a letter which Mr. DeBoucherville handed to the Lieutenant-Governor, when the latter told him that he was to take his own interpretation of his memorandum:—

"QUEBEC, 2nd March, 1878.

"To His Excellency the Lieutenant-Governor of the Province of Quebec:

"MAY IT PLEASE YOUR EXCELLENCY,—I have the honor to acknowledge the receipt of your memorandum in which you come to the conclusion that you cannot retain me in my position as Premier.

"I have therefore no other duty to perform beyond submitting to my dismissal from office communicated by Your Excellency, reiterating at the same time my profound respect for the rights and prerogatives of the Crown, and my devotion to the interests of our Province.

"I have the honor to be,

"Your Excellency's &c., &c,

"(Signed) C. B. DEBOUCHERVILLE."

"On the 28th January, 1878, Mr. DeBoucherville had sent to His Excellency the Lieutenant-Governor, who was then at Rivière Ouelle, the following telegraphic despatch:—

"Can you send me Authorization Resolution respecting Finances?"

The Lieutenant-Governor, on the following day, the 29th, telegraphed to Mr. DeBoucherville: 'Blank mailed to-day. If presence necessary, telegraph. Return Friday.'

"The resolutions respecting the North Shore Railway were submitted to the House only on the 29th January, after the telegram had been received from the Lieutenant-Governor that a form signed in blank had been mailed to Mr. DeBoucherville in reply to his despatch of the previous day, saying: "Can you send me Authorization Resolutions respecting Finances?" On the 30th January, the first resolution was reported from Committee of the Whole. On the 31st it was adopted by the House.

"On the 1st February, the House again went into Committee of the Whole, and reported the other resolutions on the same subject. But it was only on the 5th that the adoption of the Report of the Committee was carried, the House throwing out the motion of non-confidence on this point by 38 to 21.

"On the 5th February, a Bill based on these resolutions was introduced; the second reading was delayed until the 18th of February; the third reading took place on the 19th during all this time the Lieutenant-Governor, to whom the votes and proceedings were sent daily, remained silent.

"On the 19th February, Mr. De Boucherville met the Lieutenant-Governor and in the conversation which took place on the subject of the measure, thought he had satisfied him as to its legality and the urgency of its being passed. The Lieutenant-Governor was so far from being explicit as to his intention that Mr. DeBoucherville left him with the impression that he was authorized.

"The Lieutenant-Governor does not contend in his memorandum of the 1st March, 1878, that he had given orders to suspend the legislation.

"Sent up to the Legislative Council, this Bill had gone through its third reading before the first letter was received from the Lieutenant-Governor, dated the 25th February last, but only delivered at 4.30 p.m., on the 26th. In fact, the Lieutenant-Governor, in his letter of the 1st March, admits that he did not in any way in his memorandum of the 25th February, express the opinion that he considered the Premier had intended to arrogate to himself the right of getting measures passed without his approval or of alighting the prerogatives of the representative of the Crown.

"Having ascertained that a misunderstanding existed as to the interpretation of the authorization asked by telegraphic despatch on the 23rd January, and answered on the 29th, by a message stating that a form signed in blank was sent, and in view of the impressions left by the conversation of the 19th February in Mr. de Boucherville's mind, should the Lieutenant-Governor have waited to make known for the first time the existence of this misunderstanding until the 26th February, at which date the whole of the legislation of which he complains had been discussed and voted in the affirmative by both Houses.

"The confidence shown by the Lieutenant-Governor on the 29th January in Mr. de Boucherville by forwarding the form signed in blank was calculated to justify him in interpreting the silence of the Lieutenant-Governor at least as not meaning dissent.

"After these interviews of the 19th February the silence observed until the 26th February was also of a nature to lead him to believe that he had a general authorization to submit to the House all measures which the public service required.

"On the 31st of January, 26 days previous to the first memorandum of the Lieutenant-Governor, the Honorable Treasurer made his budget speech, in which he announced the new taxes which it would be necessary to levy to meet the obligations of the Province, obligations contracted during several previous years and resulting from the policy then inaugurated on Railways, and which had received the concurrence of several members belonging to the party opposing the Government.

"Can this speech, published *in extenso* by the Press of the whole country, have escaped the notice of the Lieutenant-Governor?

"On the 19th of February, the resolutions demanding those taxes, but at a lower rate than the one mentioned by the Treasurer in his speech, were presented, and on the 30th were adopted by a vote of 39 against 22.

"The Lieutenant-Governor in his memorandum of the 1st March complains that Mr. De Boucherville did not let him know that the Government was in an impecunious condition requiring special legislation to increase the public taxes."

"The Premier would have formed an erroneous idea of the situation if he had so qualified the temporary embarrassment, caused by the ill-will of the municipalities which had subscribed for the construction of the Provincial Railway in neglecting to faithfully fulfill their obligations. He would have formed an erroneous idea of the situation in presence of the results obtained so far without any burden having been imposed in order to obtain them.

" On the 22nd February notice was given of resolutions respecting Railways in the Eastern Townships and on the south shore of the St. Lawrence.

"On the 23rd of the same month the resolutions were introduced and subsequently adopted by a vote of 41 to 16. These resolutions do not in any way increase the actual debt of the Province. The Lieutenant-Governor said in the same memorandum: 'That the construction of the Railway from Quebec to Ottawa should prevail over that of other Railways.' The legislation of many years past on this subject establishes no priority in favor of the Provincial Railway to the detriment of Railways in the Eastern Townships and on the South Shore. The DeBoucherville Government would have contravened the law if they had adopted any other view of the matter.

"In the same memorandum the Lieutenant-Governor declares 'That he cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill, intitled: 'An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway.' This declaration is premature, the Premier never having been called upon to give his opinion as to the sanction to be given; and if, had he been called upon to do so, he would, under the circumstances, have recommended that it be reserved for the decision of the Governor General, being in doubt as to the Lieutenant-Governor having the right, of his own accord, *ex proprio motu*, to exercise the prerogative of veto, and thus to decide finally on the fate of a measure passed by both Houses, when the British North America Act of 1867 seems to leave such power to the Governor General.

"The memorandum of His Excellency refers to petitions of several corporations and citizens of different places, addressed to the Lieutenant-Governor, against the resolutions and the measures of the Government concerning the Quebec, Montreal Ottawa and Occidental Railway.

"It is sufficient to consider that these petitions came from debtors from whom the law intends to force payment, to arrive at the correct conclusion that the opinion of both Houses should prevail over that expressed in such petitions.

"The Lieutenant Governor in the same memorandum refers to Acts of Administration which date from before the Session, and to which he has given his assent. As he alludes to matters for which the Government is responsible to both Houses, as advisers of the Crown, and as they are foreign to the question of prerogative raised by the Lieutenant-Governor, they cannot be adduced in this memorandum as reasons for the conclusion arrived at by His Excellency that he cannot continue to retain Mr. DeBoucherville in his position against the rights and prerogatives of the Crown; therefore, to avoid being carried away by this side issue or *hors d'œuvre*, there is no reason to question them now.

"The Lieutenant-Governor further expresses the opinion that the state of our finances forced us to make loans disproportionate to our resources.

"The necessity of here repeating this phrase is to be regretted, but the credit of the Province requires that it should be contradicted. The mere reading of the budget speech will suffice to reassure alarmists.

From all the above facts from admissions contained in the last memorandum of the Lieutenant-Governor, from the transmission of the form signed in blank and sent by him in reply to a request by Mr. DeBoucherville, asking his authorization to introduce resolutions respecting finances, and from the silence of the Lieutenant-Governor up to the 26th February last, it results that no measures have been introduced into the House in opposition to the prerogatives of the representative of the Sovereign.

"Nothing more remains now for me to do but to reiterate the declaration I made in commencing these explanations. The DuBoisville Cabinet has not resigned. It has been dismissed from office by the Lieutenant-Governor.

The Conservative party is no longer in power. But it is in this House a power, a qualified power, a majority in the Opposition. The majority here, the majority in the Council, the majority in the Country. The Conservative party has

been dismissed from the division, d

That,
from office
Honour
address:—

Exhibit
 " expressi
 " Assembl
 " our perf

"We
"tration,
"We

have, con-
dismissed,
tration on
the peopl
appointed
majority i

That
Lynch, M
the Legisl
to his Hon

Exhibit
deem. it th
Henri Gu
the 8th in

“And advisers of the will of

"The
that they
Bill until

"The
that there
country, a
administer
would be

"The fact of the rassment u Bill ; and conformity

"The
inasmuch
large major
will cause
the peace

been dismissed from office; but it stands uncompromised, without compromise, without division, devoted to the Constitution and to the welfare of the country.

"(Signed)

A. R. ANGERS,

"Ex-Attorney General.

"Member for the Electoral District of Montmorency."

That, on the 7th March, the Legislative Assembly, having heard of the dismissal from office of the DeBoucherville Government, adopted before the formation of His Honour the Lieutenant-Governor Luc Letellier's new Cabinet, the following address:—

Exhibit No. 4.—"We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of Quebec, in Provincial Legislature assembled, desire to reiterate the expression of our loyalty and attachment to Her Majesty, Queen Victoria, and our perfect submission to the Constitution.

"We renew the declaration of our confidence in the DeBoucherville Administration, so often and decidedly expressed during the present Session.

"We desire firmly and emphatically to declare that we have not, and can not have, confidence in any Administration which may be substituted for the one dismissed, inasmuch as such dismissal occurred whilst the DeBoucherville Administration enjoyed the entire confidence of the large majority of the representatives of the people in Provincial Legislature assembled, unless such Administration to be appointed be a strong and efficient one, chosen from the party represented by the majority in this House."

That on the 9th March Mr. Loranger, Member for Laval, seconded by Mr. Lynch, Member for Brome, moved that the following address be by the Speaker of the Legislative Assembly presented at the Bar of the Honorable Legislative Council to His Honor the Lieutenant-Governor at the prorogation of the Legislature:—

Exhibit No. 3, p. 226.—"The Legislative Assembly of the Province of Quebec deem it their duty to humbly represent that the Cabinet of which the Honorable Henri Gustave Joly is the chief, was defeated three different times, at the sitting of the 8th instant, by majorities varying from twenty to twenty-two votes.

"And they regret to state that the constitution has been disregarded by the advisers of His Excellency to the extent that they persist in retaining power against the will of the majority of this House, and of the country.

"The Legislative Assembly believes it, moreover, their duty to express their regret that they have been put to the necessity of suspending the passage of the Supply Bill until justice has been extended to the majority of this House.

"The Legislative Assembly desires respectfully to represent to Your Excellency that there exists in the House a political party possessing the confidence of the country, and having a large majority in the House, that this party is competent to administer the public business, and that the prorogation of the Legislature presently would be prejudicial to the legislation and to the interests of the country.

"The Legislative Assembly desires to represent to Your Excellency that the fact of the minority having a control over public affairs is the cause of the embarrassment under which the Province labors through the suspension of the Supply Bill; and that a prompt solution of the difficulty may be arrived at by acting in conformity with the Constitution.

"The Legislative Assembly desires also to represent to Your Excellency that inasmuch as there exists in the House a political party strong enough to command a large majority, there is no necessity for a dissolution of the Legislature, a step which will cause considerable and useless expense to the Province, and seriously threaten the peace and tranquility of the people of this Province."

The House, after voting by 33 against 12 that the resolutions above mentioned were in order, was unexpectedly interrupted before their adoption by a message of His Honor the Lieutenant-Governor, requesting the attendance of the House in the Legislative Council, and then and there was by him prorogued.

That the Lieutenant-Governor addressed to His Excellency the Governor-General an "explanatory case," bearing date the 19th March, 1878. This document most materially different from the one sent to Mr. deBoucherville informing him of the reasons for which the Lieutenant-Governor was no longer able to retain him in his position, is as follows:—

"GOVERNMENT HOUSE,

"QUEBEC, 18th March, 1878.

Exhibit No. 5. (Translation.)

"To the Right Honorable the EARL OF DUFFERIN, K. P., K. C. B., G. C. M. G.,
"Governor-General of Canada,

"Ottawa.

"MY LORD:—I have the honor now to submit for your Lordship's consideration documents and details which I could not lay before the public, but from which it would have been more clearly understood that the dismissal of M. DeBoucherville's Cabinet was forced upon me by circumstances.

"These details are not contained in the correspondence which I authorized M. DeBoucherville to place before the House, and which are hereunto annexed.

"From the day that I was, by your Excellency, raised to the position I occupy at present, all my private relations with the members of my Cabinet, up to the time of their dismissal from office, were, I must admit, generally of an agreeable nature; but in those of an official character with the Premier, I almost invariably felt that I did not enjoy that entire confidence on his part which is the chief element of a cordial understanding between the representative of the Crown and his advisers.

"After having studied the general state of the affairs of our Province, after having become convinced that legislative and administrative changes were becoming more and more necessary, I decided upon using with moderation, and with the greatest possible discretion, the influence attached to my position in order to obtain the realization of that which I deemed to be of the greatest advantage to the Province.

"I regret to state to Your Excellency that, although M. De Boucherville, did, on most occasions, take my advice in good part and generally approved of it, he nevertheless, almost always acted as though he had never received it. Nevertheless, far from using my authority to obstruct his action in any way, I invariably treated him with great indulgence, as will appear to Your Excellency by the following facts:

1st.—During the Session of 1876, a Bill had been read three times in one of the two branches of the Legislature, and only twice in the other.

"This Bill, bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted, was submitted to me by the Premier for my sanction.

"In consequence of being left in ignorance of these facts by my advisers, I sanctioned the Bill.

"Not long afterwards I was informed of the irregularity, and I immediately spoke of it to the Premier, I made the observation that such an act would entail too serious consequences to allow of its being passed over.

"As a favor to him, however, I passed over this instance of irregular legislation which was then irreparable.

"2nd.—During the same Session another Bill was submitted to me for my sanction.

above mentioned, in examining it, I perceived a blank which had not been filled up, which I pointed out to the Premier, in the following letter:—
Private.

“ QUEBEC, 27th December, 1878.

“ MY DEAR PREMIER,—A Bill (E) which originated in the Council was passed by the Legislative Assembly, without amendment; upon reading it before adding my certificate of sanction, I noticed that a blank had not been filled up in the seventh line of the sixth section.

“ You followed the usual practice in not fixing the amount of the penalty in the Legislative Council; but the matter passed unperceived, or the officers, through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof-sheets.

“ While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word *arrender* is in the infinitive mood. I notice this latter inaccuracy, to which I do not attach much importance, only because I discovered another in an Act in which I had to point out to you—an omission which I consider fatal.

“ Yours very truly,

“ (Signed) L. LETELLIER.”

“ The Premier came to me and said that he regretted the omission; he requested me to give my sanction to the Bill in the state in which it was. The conciliatory spirit which I showed in granting my consent seemed to please him.

“ 3rd.—In March, 1877, (vide appendix A,) my advisers caused me to make an appointment of a Municipal Councillor for the South Ward of the Village of Montmagny, under the pretext that there had been no election, or that if such election had taken place, it was illegal.

“ The whole of the circumstances connected with this case, I deem it my duty to explain to Your Excellency, on account of the important principle involved therein.

“ After due personal examination of the petitions and other accompanying documents relating to that election, I called on the Premier, at his own office, to beg of him not to hurry the appointment, which he was asked to make, of a Municipal Councillor for that locality, before receiving more ample information.

“ I pointed out to him that it appeared that a municipal election had taken place, and that in such case, as a principle, the Executive Council should not interfere.

“ I added that from the moment that a legal, or even an illegal election had taken place, the duty of deciding it rested with the courts, in accordance with the ordinary course of law, of which they are the interpreters.

“ I then intimated to M. DeBoucherville that I maintained, on principle, that all matters cognisable by the judiciary should be invariably left to the courts, which from their organization are better fitted than the executive to enquire into matter of fact and of evidence, and that I would never allow the substitution of the powers of the executive for those of the courts, when the latter had jurisdiction.

“ The Premier admitted that that opinion, and the principle on which I based it, were in conformity with his ideas, and necessary for the proper administration of justice. He asked me if I would consent to see Mr. Angers, the Attorney-General, on the subject.

“ I at once consented, and the Attorney-General was immediately sent for; the facts connected with that election difficulty and my views regarding them, were then communicated to him. He promised that before any appointment should be made by the Lieutenant-Governor he would make enquiry.

“ Shortly afterwards he reported to me that he had made an enquiry into the facts of the case, and, at his suggestion, I appointed Jules Bélanger to be Councillor.

“ In the beginning of March, 1877, difficulties and quarrels arose at Montmagny, in consequence of that election.

"After that appointment those quarrels broke forth afresh in the municipal council itself, from which the Councillor whom I had thus been caused to appoint, was expelled with violence. That appointment I was recommended to make, notwithstanding the fact that an election had taken place; that it had been held and presided over by the Mayor, that Eugène Fournier had been returned by acclamation, that he had been sworn in according to law, and that at the very time when the appointment of Jules Bélanger was recommended to me, the person thus elected had in fact taken his seat, had been sworn, and had sat at the said Council, as appears by the minutes of the Council.

"When I afterwards learned these facts, I communicated them to the Premier, whom I requested to prepare a revocation of the appointment which I had thus been caused to make, contrary to the principles above set forth, and the justice of which he had himself admitted.

"The Premier answered that the matter was of a very delicate nature, as such a proceeding would be contrary to the recommendation of Mr. Angers, his Attorney-General; he concluded by saying that he would get him to prepare a report on the subject.

"I received that report some days later. After having read it, I again intimated to Mr. DeBoucherville, that in the interests of peace, and in conformity with the principle that executive should not be substituted for judicial power in matters within the province of the latter, I insisted upon the revocation being made.

"After waiting several days for an answer, and not having received any from the Premier, I addressed a letter to him, of which the following is a copy:—

"QUEBEC, 14th March, 1877.

"Private and Confidential.

"MY DEAR DEBOUCHERVILLE,—I have not received any answer on the subject of the appointment of a Councillor at Montmagny.

"Those who deceived the Government in order to induce me to perform an executive act in connection with a question which they then knew to be within the judicial power, do not, in my opinion, deserve consideration, which cannot but be injurious to the Government and myself.

"The remedy is very simple, rescind the appointment; allow the parties interested to fight it out before the Courts.

"Yours very truly,

"(Signed)

L. LETELLIER.

"If, my Lord, I insist upon this latter point, it is to show Your Excellency that the Prime Minister was then perfectly aware of my views on that point, and should not, in consequence, have introduced during the last Session of our Legislature, any legislative measure, or performed any administrative act tending, to substitute executive for judicial power without notifying me, and especially without advising me on the subject.

"It was easy for the Premier to understand from my remarks and the frequent conversations which I had with him, that I could not consent to see Her Majesty's subjects despoiled of the right guaranteed to them by Magna Charta; that their property should never be interfered with, except in virtue of a judgment rendered by the tribunals of the country.

"4th.—On the 19th March, 1877, being on the eve of absenting myself for a few days, I wrote to the Hon. Mr. Chapleau; and in a postscript I said: 'Please oblige me by telling the Premier that if he needs my concurrence, Mr. Gauthier may bring down to me the documents requiring my signature.'

"M. DeBoucherville should have understood from that, that if I was ready to give him my concurrence, it was on condition of having all documents submitted to me before signing them.

"I leave you, my Lord, to judge in what manner my views were interpreted.

" 5th.—Under date of the 6th of November last, I addressed to the Honorable M. DeBoucherville the letter of which the following is a copy :—

" 'QUEBEC, 6th November, 1877.

" ' (Private.)

" ' MY DEAR DEBOUCHERVILLE,—In the last *Official Gazette* were published, under my signature, two proclamations which I had not signed.

" ' One was for the summoning of Parliament, which I had reserved in order to confer with you; the other, which I did not even see, appoints a day of thanksgiving.

" ' These proceedings, the nature of which I shall not characterise, entail, apart from their impropriety, invalidities which you will easily understand.

" ' Yours very truly,

" ' (Signed) L. LETELLIER.

" ' The Hon. C. B. DEBOUCHERVILLE,
" ' Premier.'

" ' The following are the notes which I took of the conversation which I had with M. DeBoucherville on the subject :—

" ' M. DeBoucherville came on the same day he received the letter, to tell me that he regretted that the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used when necessary for any duty of my office unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me, which M. DeBoucherville assured me would be the course followed in future.

" ' (Signed) L. L.

" 6th.—But, my Lord, there is another point still more important, which I cannot any longer refrain from mentioning.

" ' From the conversations which I have held with M. DeBoucherville, there results a fact, which, if it were known, would, of itself, have sufficiently justified me in believing that he did not possess the confidence of the people of this Province.

" ' On two different occasions, some time after the Session of 1876, I pointed out to him that millions had been voted to aid railways in general at a time when our finances did not appear to me to be in a condition to warrant, all at once, a lavish expenditure in subsidizing these numerous undertakings, particularly as, apart from that, our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa and Occidental Railway.

" ' He very frankly avowed that these grants, though they were for the development of the Province, had been necessitated by political considerations; that without them, the support of the members whose counties were traversed by those railways would cease to be secured to Government; that there would be no means of having a majority; that those members formed combinations—'Rings'—to control the House.

" ' M. DeBoucherville is not unaware that I thereupon told him that it was better to save the Province than a Government; and that if his Administration was not strong enough to resist those influences, it would be better for him to form a combination of honest and well-meaning men from both sides of the House, rather than submit to the dictations of those 'Rings' and to the control of those combinations.

" ' When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those 'Rings,' when, by his legislation, he sought to favor them anew during the last Session without having previously advised with me, had I not the right, as the representative of my Sovereign, to believe and to be convinced that M. DeBoucherville did not possess a constitutional majority in the Legislative Assembly?

"7th.—In communicating to both Houses my memoranda of the 25th February and 1st March last, the Premier and Mr. Attorney-General Angers, in violation of their duty, overstepped the authorization which I had given by my letter of the 4th of March last, for that purpose. They added to that communication a report of pretended conversations, the correctness of which I contest and the impropriety of which I maintain.

"I shall point out my Lord, one fact alone to prove that incorrectness and that impropriety: the Hon. Messrs. DeBoucherville and Angers, in their explanations of the two Houses, lay great stress on the telegram which Mr. DeBoucherville despatched to me at Rivière Ouelle, to ask my permission to introduce resolutions concerning the finances, and on the blank signature that I sent up in answer to it.

"But these gentlemen themselves had that blank signature filled up by my private Secretary, so as to give to the telegram the meaning which I attributed to it, namely, a request for permission to introduce the supplies. The following is a copy of the message produced with that blank signature.

"Mr. Treasurer Church presented a message from His Excellency the Lieutenant-Governor, as follows:—

"**L. LETELLIER,**

"The Lieutenant-Governor of the Province of Quebec transmits to the Legislative Assembly the supplementary estimates for the current year, and for the fiscal year ending 30th June, 1879, which, in conformity with the provisions of the 54th Section of the British North America Act, 1867, he recommends to the Legislative Assembly.

"**GOVERNMENT HOUSE,**

"Quebec, 30th January, 1878."

"My Ministers never had, by their own admission, any other authorization from me for the introduction of their railway and taxation resolutions than the blank signature above mentioned, in which not a word is said of them. Besides which, it will be noticed that the railway resolutions were introduced on the 29th January, whereas the message is dated the 30th.

"It is for this reason, my Lord, that I bring to your knowledge all the facts and details which are connected with the relations which I have had with M. DeBoucherville and his colleagues.

"Were the controversy with me alone as a private individual, I would abstain from any remonstrance against the injustice of their reflections upon the conduct of the representative of the Crown, which they have made in violation of their duty; but in this matter the maintenance of the constitution is at stake.

"If, without any authority from me, proclamations, have been published which I never signed, is it surprising that messages were communicated in my name to the Houses' respecting which I had never been consulted?

"It is because as the representative of my Sovereign, I have been unjustly and shamefully dragged before the public, that I make known to you, my Lord, that in the performance of my duty as Her representative, my object has not only been to protect the dignity of my office, but to afford to the people of this Province an opportunity of knowing that, under existing circumstances, the exercise of Royal Prerogative has not been hostile to their constitutional liberties; but that, on the contrary, it has afforded them the means of freely exercising their judgment.

"There results, my Lord, from what I have now stated:—

"1st.—That in general, the recommendations which I have made to my Cabinet did not receive the consideration which is due to the representative of the Crown.

"2nd.—That my name has been used by the members of the Government in the signature of document which I had never seen.

"3rd.—Official G
had been

"4th.—under sin

"5th.—letter of

this Prov

jurisdiction

and witho

Montreal,

for that o

"6th.—ation of a

the Legis

transaction

asked for

"7th.—failed in i

day, differ

prejudicin

"8th.—necessary

Premier to

Assembly,

authority

answer to

explanatio

February

the 2nd an

"9th.—the Legisla

were contr

the Premie

"10th.—conversatio

to the Crow

have place

of your Ex

(Translation

"Summ

the south w

null and vo

to preside t

"On th

Mayor of th

"The r

"Eugè

the meeting

mended, at

19—

"3rd.—That a Proclamation, summoning the Legislature, was published in the *Official Gazette* without my being consulted or informed of it, and before my signature had been attached thereto.

"4th.—That a like Proclamation, fixing a day of Thanksgiving, was also published under similar circumstances.

"5th.—That, although I had intimated to the Premier, by my advice and by my letter of the 14th March, 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the Executive in matters within the jurisdiction of the Courts of Justice, he thought proper, without my participation and without advising me, to propose to both Houses, in legislating for the Quebec, Montreal, Ottawa & Occidental Railway, 'to substitute the power of the Executive for that of the Judiciary.'

"6th.—That, without having advised me, and without having received authorisation of any sort whatever from me, the Government of M. deBoucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, &c., while no message from me had been asked for this object, nor signed by me to authorise its proposition to the Houses.

"7th.—That, after its dismissal, the Government of M. deBoucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day, different from those agreed on between myself and the Premier, at the risk of prejudicing public opinion against the Representative of the Crown.

"8th.—That, at the time of the communication of the causes which rendered necessary the dismissal of the Cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly, both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature, since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communications to both Houses of my memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and of the 2nd and 4th March instant.

"9th.—That, therefore, the additions and comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly, were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier.

"10th.—That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown and to what they had pledged themselves to observe with regard to it, have placed the Lieutenant-Governor under the necessity of bringing under the notice of your Excellency all the reasons for that dismissal.

"I have the honour to be, my Lord,

"Your Excellency's most obedient servant,

"(Signed) L. LETELLIER,

Lieutenant-Governor."

APPENDIX A.

(Translation.)

"Summary of official record. In January, 1877, an election had taken place for the south ward of the Village of Montmagny; that election having been declared null and void by the Court, it ordered a fresh election and appointed Eugène Hamond to preside thereat.

"On the day fixed, Eugène Hamond, refusing to preside, Naz. Bernatchez, Esq., Mayor of the Municipality, the senior Magistrate present, presided.

"The meeting elected Eugène Fournier.

"Eugène Hamond wrote to the Lieutenant-Governor that he had not presided at the meeting—without adding, however, that there had been no election. He recommended, at the same time, that Jules Bélanger be appointed.

"Eugène Fournier, elected at the meeting of the 19th February, took the oath of office and took his seat on the 23rd February.

"On the 3rd March the Attorney-General (Mr. Angers) recommended the appointment of Jules Belanger, who was accordingly appointed on the 7th of the same month.

"On the 10th of March Mr. Bernatchez, Mayor of Montmagny, addressed to the Lieut.-Governor a memorial setting forth the facts, and praying that the appointment be cancelled."

"On the 15th March, the Attorney-General made a report, recommending that the appointment of Jules Belanger be maintained.

"On the 27th March, the Lieut.-Governor revoked that appointment on a report of the Government."

APPENDIX B.

(Translation.)

"QUEBEC, 4th March, 1878.

"The Lieut.-Governor desires that his two memoranda of the 25th February and 1st March, addressed to the Hon. M. DeBoucherville, and the answers made to those memoranda by the Hon. M. DeBoucherville (of the 27th February and 3rd of March) be not now communicated to both Houses.

"That communication authorized by the Lieut.-Governor at the request of the Hon. M. DeBoucherville, should be made as soon as the arrangements for the formation of a new Executive Council are completed.

"The Hon. M. DeBoucherville may communicate to the Houses that the adjournment from day to day is rendered necessary by the last mentioned cause.

"(Signed) L. LETELLIER,

"To the Hon. C. B. DeBoucherville,
"Quebec."

(Translation.)

"QUEBEC, 4th March, 1878.

"Your Excellency—In conformity with your wish, expressed in a letter of to-day's date, I shall withhold until the formation of a new Executive Council, the explanations I was authorized by your Excellency to communicate to the Houses."

"I have the honour, &c.,

"(Signed)

C. B. DEBOUCHERVILLE."

"That on the 3rd April, 1878, the Honourable M. DeBoucherville addressed to His Excellency the Governor General the following despatch, with an extract of the Votes and Proceedings of the Legislative Assembly, No. 42, to wit:—

"To His Excellency the Right Honourable the Earl of Dufferin, K.P., K.C.B. G.C.M.G., Governor General of Canada, Ottawa.

"OTTAWA, 2nd April, 1878.

"MY LORD,—The explanatory case addressed to your Excellency by his Honor M. Letellier and accompanying the documents and details which related to my recent dismissal from office, and by you transmitted to the Senate and House of Commons containing as it does statements of facts, the accuracy of which I respectfully deny imposes upon me the duty of submitting for your information and consideration the following:—

"As your Excellency is doubtless aware, M. Angers laid upon the table of the Legislative Assembly on the 8th March last, copies of the correspondence and explanations by him made at my request relating to the dismissal from office of the DeBoucherville Government.

"The
contained
and I resp
however t
" " 1.
Letellier,
Excellency
money ma
permission
M. Caron.
in the par
he says:—
" " It
as he did,
had always
the lament
" " Th
would have
the Lieuten
Lieutenant
" " It i
M. Caron h
" " My
statesman
by which I
his position
M. Caron a
regretful su
" " 2nd
with the Li
last, I have
" " The
ment was in
public taxat
preceding
attention to
nature, inste
rassment.
" " I ael
a state of pe
" " The
that the ord
seemed to h
" " Upo
authorized l
" " I pro
by His Hon
take the libe
of 1876, a B
ature, and c
" " This
believe that
Premier for
" " In co
sanctioned t
" " Not
spoke of it to
serious conse
19—2;

took the oath of

commended the
the 7th of the

ny, addressed to
that the appoint-

ommending that

ppointment on a

March, 1878.

25th February,
answers made to
uary and 3rd of

e request of the
ats for the for-

that the adjourn-
use.

TELLIER,

March, 1878.

in a letter of
ve Council, the
the Houses."

VILLE."

lle addressed to
extract of the

, K.P., K.C.B.

pril, 1878.

by his Honor
to my recent
e of Commons
pectfully deny
consideration the

e table of the
pendence and
n office of the

"This correspondence and explanations, with some comments of his own, are contained in the copy of the Votes and Proceedings of that House of the 9th March, and I respectfully beg to be permitted to annex them as forming part hereof, I beg however to add to these explanations of M. Angers a few words upon two subjects viz:—

"1.—In the memorandum which I had the honor to address to his Honor M. Letellier, under date 27th February, I said: 'Later I had the honor to ask your Excellency for a general permission to submit to the House measures concerning money matters which your Excellency gave me with your ordinary courtesy. This permission, I may say, had always been granted me by your predecessor, the lamented M. Caron.' I do not think that the meaning of these phrases is correctly rendered in the paragraph in his Honor's letter to me, under date the first of March, wherein he says:—

"It is true that the Premier gives in his letter as one of the reasons for acting as he did, that this permission of using the name of the Representative of the Crown had always been granted him by the predecessor of the present Lieutenant-Governor the lamented M. Caron.'

"This reason cannot be one for the Lieutenant-Governor, for in so acting, he would have abdicated his position as representative of the Crown which act neither the Lieutenant-Governor or the Premier could reconcile with the obligation of the Lieutenant-Governor of the Crown.

"It is manifest that I desire to say, and that, in fact, I did say, that the late M. Caron had given me that authority for money matters only.

"My Lord, I respect too highly the memory of that virtuous and distinguished statesman to allow any such misinterpretation of my meaning to pass unchallenged, by which I am made to intimate that the deceased M. Caron had abdicated to me his position as the representative of the Crown. Every person who know the late M. Caron and his high legal and constitutional attainments, will share with me my regretful surprise that any such imputation should be cast upon his memory.

"2nd.—That, not having kept any memorandum of such conversations as I had with the Lieutenant Governor, except those which took place since the 25th February last, I have no remarks to make upon the paragraph, wherein it is stated:—

"The Premier did not let the Governor know, then or since, that the Government was in such a state of penury as to necessitate special legislation to increase public taxation; unless it be that this statement does not seem to me to accord with the preceding paragraph wherein it is stated that the Lieutenant-Governor drew my attention to the necessity of reducing the expenses of Government and of the Legislature, instead of having recourse to new taxes in view of avoiding financial embarrassment.

"I acknowledge that I never did inform the Governor that the Province was in a state of penury, simply because I was convinced of the contrary.

"The Lieutenant-Governor expressed also, but with regret, to the Premier, that the orders passed in Council to increase the salaries of Civil Service servants seemed to him inopportune.

"Upon this matter I merely desire to remark that these orders in Council were authorized by a law passed during the Session of 1876.

"I propose now, my Lord, to deal with the specific allegations made against me by His Honor Mr. Letellier, in his explanatory case, and, for convenience sake, I take the liberty to quote from His Honor's memorandum: '1st. During the Session of 1876, a Bill had been read three times in one of the two branches of the legislature, and only twice in the other.

"This Bill bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted was submitted to me by the Premier for my sanction.

"In consequence of being left in ignorance of these facts by my advisers, I sanctioned the Bill.

"Not long afterwards I was informed of the irregularity, and I immediately spoke of it to the Premier; I made the observation that such an act would entail too serious consequences to allow of its being passed over.

" 'As a favor to him, however, I passed over this instance of irregular legislation, which was then irreparable.'

" 'In relation to this, the facts will furnish a sufficient answer. The Act in question was a Bill entitled: "An Act to authorize the formation of Societies for the improvement of country roads and for the destruction of noxious weeds in the Province of Quebec." It was introduced in the Legislative Council duly passed the House and was sent down to the Legislative Assembly for its concurrence.

" 'Apparently in the hurry of the last hours of the Session, after it had been read twice, the Clerk by mistake, certified it as passed without amendment and was thus sent back to the Legislative Council. His Honor came down on the following day to prorogue the Legislature, and his assent was given to this Bill along with others. "The error was immediately discovered by the Attorney-General who made a report for transmission to Ottawa, stating the error and suggesting that the Act should be disallowed.

" 'The Hon. Mr. Blake, then Minister of Justice, reported in reply that the Act was unnecessary, that the Act not having received all its stages, was but blank paper and as a consequence it was not printed in the statutes.

" 'In view of this fact it is difficult to understand the statement of His Honor the Lieutenant Governor that 'as a favor' to me, he 'passed over this instance of irregular legislation, which was then irreparable.'

" '2. During the same session another Bill was submitted to me for my sanction. On examining it I perceived a blank which had not been filled up, which I pointed out to the Premier in the following letter:—

(Private.)

" 'QUEBEC, 20th December, 1876.

" 'MY DEAR PREMIER:—A Bill (E) which originated in the Council was passed by the Legislative Assembly without amendment; upon reading it, before adding my certificate of sanction, I noticed that a blank had not been filled up in the seventh line of the sixth section.

" 'You followed the usual practice in not fixing the amount of the penalty in the Legislative Council, but the matter passed unperceived, or the officers, through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof-sheets.

" 'While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word amender is in the infinitive mood. I notice this latter inaccuracy to which I do not attach much importance, only because I discover another in an Act, in which I had to point out to you an omission which I consider fatal.

" 'Yours very truly,

" (Signed) L. LETELLIER

" 'The Premier came to me and said that he regretted the omission; he requested me to give my sanction to the Bill in the state in which it was.

" 'The conciliatory spirit which I showed in granting my consent seemed to please him. In relation to this I have to say that the Act in question was 'an Act to provide for the safety and protection of the public in theatres, edifices and public halls.' As stated it was passed first in the Legislative Council, where the blank, bearing the amount of the penalty, could not be inserted. By inadvertence it passed the Legislative Assembly in the same form. After its passage the omission was discovered, and a short Bill was introduced to remedy it. The Act in which the omission occurred is numbered 19, and the Act supplying the omission is numbered 20, of the statutes of 1876, and both were sanctioned by His Honor the Lieutenant Governor at the same time.

" '3. In March, 1877, (vide Appendix A,) my advisers caused me to make an appointment of a Municipal Councillor for the South Ward of the village of Montmagny

under the pretext that there had been no election, or that if such election had taken place, it was illegal, &c'

"As to the third complaint of His Honor, it is difficult to understand, seeing that it had no relation to the dismissal of myself and my colleagues, why it is introduced.

"Whether wisely or not the municipal code of the Province of Quebec, provides that in a certain contingency the Lieutenant-Governor of the Province shall appoint a Councillor. In the opinion of the law adviser of His Honor, upon a petition sent from the village of Montmagny, that contingency had arisen, and he made a report recommending an appointment. That report was approved and the appointment made by His Honor. Subsequently other information was received which induced His Honor to urge the revocation of the appointment, and out of deference to him, while seeing no reason to change its opinion, the Government yielded, and the appointment was cancelled.

"4th. On the 19th of March, 1877, being on the eve of absenting myself for a few days, I wrote to the Hon. M. Chapleau, and in a postscript I said: Please oblige me by telling the Premier that if he needs any concurrence, M. Gauthier may bring down to me the documents requiring my signature.

"M. DeBoucherville should have understood from that, that if I was ready to give him my concurrence, it was on condition of having all documents submitted to me before signing them.

"I leave you my Lord to judge in what manner my views were interpreted."

"It would seem somewhat remarkable that a statement to which His Honor appears to attach so much importance, should have appeared as a postscript to what I have reason to believe was a private letter, in no sense relating to public business. I may say, however, that a reference to dates will shew that the documents referred to had relation to the Montmagny Councillorship, which was at the time a subject of discussion and was not intended to have, and had not any such significance as that attempted now to be attached to it.

"5th. Under date of the 6th of November last, I addressed to the Honorable M. DeBoucherville the letter of which the following is a copy:—

(Private.)

"QUEBEC, 6th November, 1877.

"The Honorable C. B. DeBoucherville, Premier.

"MY DEAR DEBOUCHERVILLE,—In the last *Official Gazette* were published over my signature, two proclamations which I had not signed.

"One was for the summoning of Parliament, which I had reserved in order to confer with you; the other, which I did not even see, appoints a day of Thanksgiving.

"These proceedings, the nature of which I shall not characterize, are productive, apart from their impropriety, of nullities, which you will easily understand.

"Yours very truly,

"(Signed)

L. LETELLIER."

"The following are the notes which I took of the conversation which I had with M. DeBoucherville on the subject:—M. DeBoucherville came on the same day he received the letter, to tell me that he regretted that the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used when necessary for any duty of my office, unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me, which M. DeBoucherville assured me would be the course followed in future.

"(Signed)

L. L."

"It is a sufficient answer to this complaint, to say that the proclamation for the summoning of the Legislature for the despatch of business, was not published until the 24th November, and it could not, therefore, be that proclamation to which His Honor referred in the letter of the 6th November. The proclamation to which he refers was the mere formal one by which the meeting of the Legislature is further postponed from time to time, and I am informed that the Order in Council for the particular proclamation to which His Honor referred was signed by him, and is of record, so signed, with the proper officer.

"As to the proclamation fixing a day of Thanksgiving, I have to remark that this was the result of a communication from the Premier of Canada, the Honorable Alexander Mackenzie, to the Lieut.-Governor, and handed to me by His Honor with the request that I would carry out the suggestion. It will appear sufficiently strange under these circumstances that I should be accused of acting without his knowledge, even if the clerical duty of obtaining his signature had been omitted. I am informed, however, that in this case also, the Order in Council, as well as the proclamation, were signed by His Honor, and are of record, bearing his signature, in the office of the proper officer.

"6th. But, my Lord, there is another point still more important, which I cannot any longer refrain from mentioning. From the conversations which I have held with M. De Boucherville, there results a fact, which, if it were known, would of itself have sufficiently justified me in believing that he did not possess the confidence of the people of this Province.

"On two occasions, some time after the session of 1876, I pointed out to him that millions had been voted to aid railways in general, at a time when our finances did not appear to me in a condition to warrant all at once a lavish expenditure in subsidizing these numerous undertakings, particularly as apart from that, our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa and Occidental Railway.

"He very frankly avowed that these grants, though they were for the development of the Province, had been necessitated by political considerations; that without them, the support of the members whose counties were traversed by those railways would cease to be secured to Government; that there would be no means of having a majority; that the members formed combinations—rings—to control the House.

"M. De Boucherville is not unaware that I thereupon told him that it was better to save the Province than a Government, and that if his administration was not strong enough to resist those influences, it would be better for him to form a combination of honest and well-meaning men, from both sides of the House, rather than submit to the dictation of those 'rings,' and to the control of those combinations.

"When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those 'rings'; when by his legislation he sought to favor them anew during the last session, without having previously advised with me, had I not the right, as the representative of my Sovereign, to believe and to be convinced that M. De Boucherville did not possess a constitutional majority in the Legislative Assembly?"

"I have no desire to enter into a discussion as to the precise conversations that may have taken place between His Honor and myself, in the frequent intercourse which we had together; but, I submit as my answer to this most serious imputation, that I confessed to being controlled by 'rings' in relation to the railway legislation while I was the leader of the Provincial Government, the following facts:—

"I took office in 1874. In the session following, a measure was introduced to increase the subsidies granted by previous legislation to a number of railways; several amendments were moved to the resolutions, all of them looking to an increase in the grants, and for these, the opposition, under the leadership of Mr. Joly, voted. The general elections took place subsequent to that session, and, whether the legislation was good or bad, it was sustained by a very large majority of the people, and

is, therefore, His Honor at the request of the 'Quebec' brought to at that time millions was so heard Occidental dollar has railways

"In the subsidy on was under considered of \$200,000 Legislature

"In re used these to the great the last session without aid in the Legislature His Honor

"7th. and 1st March last their duty, March last tended conv I maintain,

"As the can hardly pendency, w form of exp dismissed the majority the explanation the Railway the explanation by him, do not

"To sum 1st. T receive the

"As res not to be bo of the Montr reference to

"2nd. T signature of

"I have mations men ciently distin

"3rd. T Official Gaze had been att

"No Pr

information for the
published until
to which His
on to which he
ature is further
Council for the
him, and is of

remark that
the Honorable
His Honor with
iently strange
his knowledge,
I am informed,
proclamation,
in the office of

, which I can-
h I have held
would of itself
confidence of

d out to him
our finances
expenditure in
at, our credit
Ottawa and

or the devel-
ations; that
used by those
e no means of
o control the

a that it was
istration was
m to form a
House, rather
ose combina-

fluence, after
when by his
having previ-
y Sovereign,
s a constitu-

versations that
nt intercourse
s imputation,
lway legisla-
g facts :—

introduced to
of railways;
o an increase
Joly, voted.
er the legis-
people, and

is, therefore, no longer a proper subject of discussion in the connection in which His Honor introduced it. At the first session after the elections, the Government, at the request of the municipalities of Montreal and Quebec, assumed the task of constructing the North Shore and Northern Colonization railways, now known as the 'Quebec, Montreal, Ottawa and Occidental Railway.' Great pressure was brought to bear upon the Government to increase the subsidies to the other roads at that time, but this pressure was resisted. As a matter of fact it is not true that millions have been voted to aid railways in general' at a time when 'our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa and Occidental Railway.' On the contrary, since our credit became so pledged, not one dollar has been added to the debt or liabilities of the Province on account of those railways in general.'

"In the session of 1876, a measure was introduced authorizing a portion of the subsidy on some of these railways, from the unbuilt portion, to be used on that which was under construction to enable them to be carried to particular points which it was considered important in the public interests should be reached, and a lapsed subsidy of \$200,000 was divided among other roads of a similar class, the Bill passing the Legislature without division.

"In relation to this Act, His Honor M. Letellier, in proroguing the Legislature, used these words: 'I trust that the result of your labors will be to give a new impetus to the great improvements which have been undertaken in this Province.' During the last session this progress of 'doubling up' of the subsidy was again adopted, but without adding to the public liability. This Act was carried through its final stages in the Legislative Council, after the change of Government, and was assented to by His Honor the Lieutenant-Governor.

"7th. In communicating to both Houses my memoranda of the 25th February and 1st March last, the Premier and Mr. Attorney-General Angers, in violation of their duty, over-stepped the authorization which I had given by my letter of the 4th March last for that purpose. They added to that communication a report of pretended conversations, the correctness of which I contest, and the impropriety of which I maintain, &c."

"As this relates to what occurred after the dismissal of the late Government, it can hardly be held to justify that dismissal. It is sufficient to refer to the correspondence, which shows that there was no stipulation on my part as to the precise form of explanations to be made to the House; and in view of the fact that we were a dismissed Ministry, I must claim that we had a duty, not only to ourselves, but to the majority of the representatives of the people whose confidence we enjoyed to make the explanations as full as possible. As to the introduction, without authorization, of the Railway and Finance Bills, I conceived myself to have been fully authorized, and the explanations which I offered to His Honor on this point, and which were accepted by him, do not require to be repeated.

"To sum up after the manner of His Honor :—

"1st. That in general the recommendations which I made to my Cabinet did not receive the consideration which is due to the representative of the Crown."

"As responsible Ministers we considered it to be our duty to advise His Honor not to be bound to act upon advice from him. At the same time, as is seen in the case of the Montmagny Councillorship, we were disposed, as far as possible, to pay proper deference to his views and wishes.

"2nd. That my name has been used by the members of the Government in the signature of documents which I had never seen."

"I have simply to say that I know of no such case, unless it refers to the Proclamations mentioned in the 'explanatory case,' and the answer on that point is sufficiently distinct.

"3rd. That a Proclamation summoning the Legislature was published in the *Official Gazette* without my being consulted or informed of it, and before my signature had been attached thereto."

"No Proclamation summoning the Legislature was so published without the

knowledge and signature of His Honor, and the Legislature was in fact not summoned for the despatch of business for nearly three weeks after His Honor's letter of complaint on the subject.

"4th. That a like Proclamation fixing a day of Thanksgiving was also published under similar circumstances."

"The Thanksgiving day was fixed at the request of His Honor himself, and the Order in Council fixing it was signed by him.

"5th and 6th. That although I had intimated to the Premier by my advice and by my letter of the 14th March, 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the executive in matters within the jurisdiction of the courts of justice, he thought proper without my participation and without advising me, to propose to both Houses, in legislating for the Quebec, Montreal, Ottawa and Occidental Railway, to substitute the power of the executive for that of the judiciary."

"That without having advised me, and without having received authorization of any sort whatever from me, the Government of M. DeBoucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, etc., while no message from me had been asked for this subject, nor signed by me to authorize its proposition to the Houses."

"In relation to these measures I considered myself authorized by the reply of His Honor to my request for an authorization for resolutions respecting finances, and my explanations, as is seen by his letter to me, were accepted, and the Government relieved from all imputation of intentional discourtesy.

"7th. That, after its dismissal, the Government of the late Mr. DeBoucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day different from those agreed on between myself and the Premier, at the risk of prejudicing public opinion against the Representative of the Crown."

"No reasons were assigned by me for the adjournment of the Legislative Council, neither the Speaker nor myself being present at any sitting of that House, during the crisis and the reasons assigned by M. Angers for the adjournment of the Legislative Assembly were in these words:—

"The Lieutenant-Governor signified his desire that the explanations respecting the dismissal from office of the members of the Executive Council be not given this day, but only after a new Cabinet shall have been formed"; that reason being substantially that given in the letter of His Honor, of the 4th March.

"8th. That at the time of the communication of the causes which rendered necessary the dismissal of the Cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly, both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communication to both Houses, of my memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and the 2nd and 4th March instant."

"My letter of the 4th March makes or accepts no such limitation, and, for the reason I have already stated, I considered myself fully justified in making the explanations that were made.

"9th. That therefore the additions and the comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier."

"As I have stated, there were no such conditions agreed upon between the Lieutenant Governor and myself.

"10th. That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown, and to what they had pledged themselves to observe with

regard
under t

"T
notes w
explain
His Ho
would b
all the
"T
serve to
position

Tha
vote of 3

Deb
Excellen
and that
Province
principles

Tha
the folio

Deb
chair, bu
of Quebe
the posit
cipal of

The
electors
upon the

Her
elections

The
paragrap
Session,

Exh
insist on
closest su
advisers
remaining
lative A
majority

Tha
the follow
posed in

Exh
Excellen
March 1
Legislatur

regard to it, have placed, the Lieutenant-Governor under the necessity of bringing under the notice of Your Excellency all the reasons for their dismissal."

"The conversations reported by me were not 'pretended' but real, of which notes were taken immediately after they occurred, and which were necessary to explain fully the circumstances preceding my dismissal. If they have compelled His Honor to state 'all the reasons for that dismissal,' I venture the opinion that it would have been more respectful to the Legislature, whose confidence I enjoyed had 'all the reasons' been communicated to it.

"The observations I have made upon these additional reasons, will, I hope, serve to convince Your Excellency that they were not such as to strengthen the position of the Lieutenant-Governor.

"I have the honor to be, my Lord,

"Your obedient servant,

"(Signed) C. B. DEBOUCHERVILLE,

M. L.

That the Senate on the 16th April, 1878, adopted the following resolution by a vote of 37 against 20:—

Debates of the Senate, pp. 595 and 676.—"To Resolve,—That the messages of His Excellency the Governor General of the 26th March and 8th April, be now read and that it be resolved that the course adopted by the Lieutenant-Governor of the Province of Quebec towards his late Ministry, was at variance with the constitutional principles upon which 'Responsible Government should be conducted.'

That on the 11th April, 1878, the Right Honorable Sir John A. Macdonald, moved the following resolution before the House of Commons:—

Debates of the Commons, p. 1878.—"That Mr. Speaker do not now leave the chair, but that it be Resolved that the recent dismissal by the Lieutenant-Governor of Quebec of his Ministers was, under the circumstances, unwise and subversive of the position accorded to the advisers of the Crown since the concession of the principal of Responsible Government to the British North American Colonies."

The then Government opposed the same as inopportune, seeing that the electors of the Province of Quebec within a few days would pronounce its verdict upon the events which made the subject of the above resolution.

Here is the verdict pronounced by the Province of Quebec after the general elections which followed the *coup d'état*.

The Legislative Assembly on the 11th of June, 1878, amended the last paragraph of the resolutions proposed in answer to the speech at the opening of the Session, by adding at the end thereof the following words:—

Exhibit No. 7.—"That this House, while expressing its firm determination to insist on the strictest economy in every branch of the public service, and on the closest supervision over the expenses of the administration, regrets that the present advisers of His Excellency the Lieutenant-Governor should have persisted in remaining in power without having been supported by the majority of the Legislative Assembly upon their taking office, and without yet being supported by such majority."

That, on the 14th June, 1878, the Honorable Legislative Council adopted the following resolution, by amending the ninth paragraph of the resolutions proposed in answer to the speech at the opening of the Session:—

Exhibit No. 8.—"But that this House desires to express anew its regret that His Excellency the the Lieutenant-Governor was advised to dismiss his Ministers in March last, at the time they enjoyed the confidence of both branches of the Legislature and of this Province.

"That this House is of opinion that in acting on this advice, dismissing his Ministers and appointing a new Cabinet from the ranks of the minority, His Excellency was advised contrary to the recognised principles of responsible government.

"That to complete and corroborate the answer made by the Honorable M. De Boucherville to the 'explanatory case' addressed by the Lieutenant-Governor to His Excellency the Governor General, in which he states: 'That a Proclamation summoning the Legislature was published in the *Official Gazette* without my being consulted or informed of it, and before my signature had been attached thereto; that a like Proclamation, fixing a day of Thanksgiving, was also published under similar circumstances.'"

Reference may be made to—

Exhibit No. 9, pp. 3 and 4.—1st. An Order in Council, dated the 19th of November, 1877, and approved by the Lieutenant-Governor on the 20th, recommending that a Proclamation be prepared and published calling the Legislature for the despatch of business for the 19th December, 1877. 2nd. A Proclamation, dated 23rd November, 1877, registered the same day and published in the *Quebec Official Gazette*, on the 24th November, 1877.

It bears the signature of His Honor the Lieutenant-Governor, "L. Letellier."
"Copy of a report of a Committee of the Honorable the Executive Council, dated 19th November, 1877, approved by the Lieutenant-Governor on the 20th November, 1877. No. 372.

"On the calling together of the Parliament of the Province,

"The Honorable the Commissioner of Agriculture and Public Works, in a Memorandum dated 19th November, instant, 1877, recommends that a Proclamation be prepared and published, calling together the Legislature of this Province for the despatch of business, for the nineteenth of December, eighteen hundred and seventy-seven.

"The Committee concurs in this recommendation, and submits it to the approval of the Lieutenant-Governor.

"Certified.

"(Signed)

FELIX FORTIER,

"Clerk, Executive Council, Canada.

"To the Honorable

"The Provincial Secretary, &c., &c."

"CANADA,
"Province of Quebec. }
" (L.S.)

L. LETELLIER.

"VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

"To Our Beloved and Faithful the Legislative Councillors of the Province of Quebec, and the Members elected to serve in the Legislative Assembly of Our said Province, and summoned and called to a Meeting of the Legislature of Our said Province, at Our City of Quebec, on the Third day of the month of December, next, to have been commenced and held—Greeting:

PROCLAMATION.

"WHEREAS the Meeting of the Legislature of the Province of Quebec stands prorogued to the Third day of the month of December, next; Nevertheless, for certain causes and considerations, We have thought fit further to prorogue the same to Wednesday, the Nineteenth day of the Month of December, next, so that neither you, nor any of you, on the said Third day of December next, at our said City of

Quebec to appear, are to be held and constrained, for We do will that you and each of you and all others in this behalf interested, that, on Wednesday, the Nineteenth day of the month of December, next, at our said City of Quebec, personally you be and appear for the despatch of business, to treat, do, act and conclude upon those things which in our Legislature of the Province of Quebec, by the Common Council of Our said Province, may by the favor of God be ordained.

"In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Quebec to be hereunto affixed. Witness, Our Trusty and Well Beloved, The Honorable Luc Letellier de Saint Just, Lieutenant-Governor of Our said Province of Quebec.

"At Our Government House in Our City of Quebec, in Our said Province, this twenty-third day of November, in the year of Our Lord one thousand eight hundred and seventy-seven, and in the forty-first year of Our Reign,"

"By command,

"(Signed)

L. H. HUOT,

"Clerk of the Crown in Chancery."

Exhibit No. 9, pp. 4 and 5.—Reference may also be made for the same purpose to, 1st. An Order in Council dated the 30th October, 1877, and the same day approved by the Lieutenant-Governor, recommending that a day of Thanksgiving, be fixed for the 22nd of November then next; 2nd. A Proclamation dated the 30th October, 1877, and published in the Quebec *Official Gazette* on the 3rd of November, 1877. It also bears the signature of His Honour the Lieutenant-Governor "L. Letellier."

"COPY of the Report of a Committee of the Honorable the Executive Council, dated 30th October, 1877, approved by the Lieutenant-Governor on the 30th October, 1877, "No. 348.

"The Honorable the Commissioner of Agriculture and Public Works, in a Report dated 30th October instant, 1877, sets forth that Divine Providence having protected this Province from the calamities which affect other nations, and favored this country with an abundant harvest;

"That it is the duty of the inhabitants of this Province to recognize by public Thanksgiving that all good comes from God, and the earth would be sterile without the assistance of His Divine Will;

"The Honorable Commissioner therefore recommends that a Proclamation be issued by His Excellency the Lieutenant-Governor making the twenty-second of November next, a Day of Thanksgiving to the Almighty, to thank Him for having protected our hearts from calamity, and for having blessed the labors of the people of this Province by granting to it an abundant harvest.

"The Committee concurs in the above Report, and submits it to the approval of the Lieutenant-Governor.

"Certified.

"(Signed)

FELIX FORTIER,

"Clerk Executive Council.

"To the Honorable

"The Provincial Secretary,

"&c., &c., &c."

" CANADA,
" Province of Quebec, }
" (L.S.)

L. LETELLIER.

" VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith, &c., &c., &c.

" To all to whom these presents shall come, or to whom the same may concern
—Greeting:

" A PROCLAMATION.

" A. R. ANGERS, } WHEREAS the Almighty has been pleased in His divine
Attorney-General. } goodness, to avert from Our Province the calamities
which afflict other nations, and to bless this country with an abundant harvest; and
whereas it is the duty of the inhabitants of Our said Province to return public thanks
to Divine Providence for such a signal favor;

" Now Know Ye, that by and with the advice and consent of the Executive
Council of Our Province of Quebec, We have fixed and appointed, and do hereby fix
and appoint Thursday, the twenty-second day of November next, as a day of Public
Thanksgiving, to return thanks to the Almighty for the favors which he has been
pleased to grant to the inhabitants of Our said Province;

" Of all which our loving subjects, and all others whom these presents may
concern, are hereby required to take notice and to govern themselves accordingly.

" In Testimony Whereof, We have caused these Our Letters to be made Patent,
and the Great Seal of Our said Province of Quebec to be hereunto affixed; Witness,
Our Trusty and Well-Beloved the Honorable Luc Letellier de Saint Just, Lieutenant-
Governor of the Province of Quebec:

" At Our Government House, in Our City of Quebec, in Our said Province of
Quebec, this Thirtieth day of October, in the year of Our Lord, one thousand eight
hundred and seventy-seven, in the forty-first year of Our Reign.

" By command,

" (Signed) PH. J. JOLICŒUR,

" Assistant-Secretary."

These four documents were copied from the originals, and laid before the House
by the present Government of Quebec.

Exhibit No. 5, p. 9.—Seeing the facts established by them, it is impossible to
explain how His Honor the Lieutenant-Governor can have stated with accuracy, in
an official despatch to His Excellency the Governor General, "that a Proclamation
summoning the Legislature, and published in the *Official Gazette*, without my being
consulted or informed of it, and before my signature had been attached thereto;
that a like Proclamation fixing a day of Thanksgiving was also published, under
similar circumstances."

The Order in Council approved on the 20th November, 1877, shows that the
Lieutenant-Governor was consulted and informed concerning the calling of the
Legislature, and the original Proclamation dated 23rd November, 1877, bears his
signature "L. Letellier," as shown by the copy laid before the House by the present
Government.

The Order in Council approved on the 30th October, 1877, shows also that the
Lieutenant-Governor was consulted and informed concerning the day of Thanks-
giving, and the original Proclamation, dated 30th October, 1877, bears his signature
"L. Letellier," as shown by the copy laid before the House by the present
Government.

All the documents above referred to are authentic, and are contained partly in Votes and Proceedings of the Senate and of the House of Commons of Canada, and in the Sessional Papers, and partly in the Votes and Proceedings of the Legislative Council and Legislative Assembly of Quebec, official copies thereof are hereunto annexed.

From the foregoing, it results that the dismissal from office, by His Honor the Lieutenant-Governor of Quebec, of the DeBoucherville Government was, under the circumstances, unjustifiable, unwise and subversive of the position accorded to the advisers of the Crown since the concession of the principle of responsible government to the British North American Colonies; and that in his communications with His Excellency the Governor General respecting the aforesaid dismissal, and the reasons which he alleges as having moved him to make such dismissal, he has made statements unsupported by, and contradictory of, the official documents to which they relate.

And that, in the opinion of the undersigned, such erroneous statements as appear from the foregoing details, could not have been made by mistake or failure of memory.

Wherefore, the violation of the principles of responsible government committed by the Lieutenant-Governor, and his actions as above represented, are of a nature to imperil the peace and prosperity of the Dominion of Canada, and to bring into disrespect the dignity of the Crown, and should be dealt with under the authority granted the Honorable the Privy Council of Canada by the 59th Section of the British North America Act, 1867.

And your Petitioners, as in duty bound will ever pray.

(Signed)	J. A. CHAPLEAU,
"	L. RUGGLES CHURCH,
"	A. R. ANGERS.

MONTREAL, 7th November, 1878.

LIST OF EXHIBITS.

- No. 1.—Votes and Proceedings of the Legislative Assembly of the Province of Quebec, 8th March, 1878.
- No. 2.—Journals of the Legislative Council, 8th March, 1878
- No. 3.—Votes and Proceedings of the Legislative Assembly, Province of Quebec, 9th March, 1878.
- No. 4.—Votes and Proceedings of the Legislative Assembly, Province of Quebec, 7th March, 1878.
- No. 5.—Message from His Excellency the Governor General to the Senate and House of Commons, 22nd and 26th March, 1878.
- No. 6.—Message from His Excellency the Governor General to the House of Commons, 8th April, 1878.
- No. 7.—Votes and Proceedings of the Legislative Assembly of the Province of Quebec, 11th June, 1878.
- No. 8.—Journals of the Legislative Council, 14th June, 1878.
- No. 9.—Return to an Address of the Legislative Assembly.

(Translation.)

DEPARTMENT OF THE SECRETARY OF STATE,
22nd November, 1878.

SIR.—I am instructed to transmit to you the enclosed copy of a petition of the Honorable Messrs. J. A. Chapleau, L. R. Church and A. R. Angers, dated 17th November, instant, and to request you to be good enough to transmit your remarks thereupon to the Department.

I have the honor to be, Sir,

Your obedient servant,

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

His Honor

The Lieutenant-Governor of the Province of Quebec,
Quebec.

REPLY OF PETITIONERS.

CANADA,
PROVINCE OF QUEBEC. }

To His Excellency the Right Honorable Sir John Douglas Sutherland Campbell, Marquis of Lorne, one of Her Majesty's most Honorable Privy Council, Knight of the most Ancient and most Noble Order of the Thistle, and Knight Grand Cross of the most distinguished Order of St. Michael and St. George, &c., &c., &c.

IN COUNCIL.

Joseph Adolphe Chapleau, Levi Ruggles Church, and Auguste Réal Angers, by this their reply to the answer of the Lieutenant-Governor of Quebec, by them received this eighteenth day of December, instant, to their petition, communicated to him by his Excellency the Administrator in Council, on the twenty-second day of November last, respectfully say:—

That the Lieutenant-Governor's plea to the jurisdiction of the Governor-General in Council on that subject-matter of the petition of the undersigned, is not well founded. It does not appear to the undersigned that there is any necessity to demonstrate that the petitioners had the right to petition the Governor-General in Council in this matter, and to conclude praying the Honorable the Privy Council to apply the provisions of the 59th Section of the British North America Act, of 1867, to the Lieutenant-Governor of Quebec:—"When it is necessary that the authority of the Crown should be exercised in public acts of Government, a Privy Council is convened from whence orders in Council and Proclamations are promulgated." Todd, Vol. 1, page 233 of 1867.

This interpretation of the British North American Act of 1867, has been universally accepted, viz.: that whenever the statute enacts that the Governor-General shall do anything, it has always been understood to mean the Governor-General in Council; the language of Section 59 is in that respect identical with that of Sections 24, 26, 32, 34 and 96, concerning the appointment of Judges and Senators; and the undersigned have yet to learn that any one has seriously contended that such powers were exercised by his Excellency individually and without the advice of his Council, and moreover the provision of Section 59, which imposes the necessity of communicating the cause assigned for the removal of a Lieutenant-Governor to the Senate and

House of Commons (to which the Governor-General is not personally responsible) shews that the act is not a personal one, and done without the advice of his Council.

Moreover, the Lieutenant-Governor, in objecting to the jurisdiction of the Governor in Council, has, at the same time, undeservedly imputed motives to the undersigned by stating that the "memorialists had wholly ignored the office and position of the Governor-General—a circumstance which he said he chiefly noticed because it was in accordance with the practice which they followed as Executive Councillors towards the Lieutenant-Governor." It will appear strange that the Lieutenant-Governor should have indulged in these comments, when in his own letter of the 1st March, 1878, to the Hon. M. deBoucherville, referring to Messrs. Angers and Church, he admits that "those gentlemen had done nothing willingly not in conformity with the duties of their office." The undersigned can only protest against such insinuations against their loyalty and devotion to the Crown and the Representative of the Sovereign, whilst they resent the unfair and untrue suggestions of the motives which it is claimed actuated them. The ability of his Honor Mr. Letellier to interpret the Constitutional Act may be judged of by the manner in which he has dealt with the question of jurisdiction.

The whole question raised by the Lieutenant-Governor to justify the dismissal of his Ministers is really reduced to this: "I have never been consulted upon two important questions of the Session, and my positive assertion upon this point has never been denied."

Not only is this pretension contested, but the explanations given by Mr. DeBoucherville to the Lieutenant-Governor, in his letter of the 27th of March, were accepted and considered by him as sufficient to establish the perfect good faith of the Prime Minister and his colleagues.

What are the facts?

On the 28th of January a general authorization respecting finances is asked from the Lieutenant-Governor; on the 29th that authorization is transmitted in blank to the Prime Minister; the resolutions concerning the collection of the municipal subscriptions to the Government Railway are introduced on the 30th; on the 31st the estimates are laid before the House, with a complete financial *exposé* by the Treasurer, explaining his ways and means for the next year, and announcing in the most distinct manner the new tax required for the public service and for which a bill was announced. A lively debate is immediately engaged both in the House and the public press on the subject of those two financial questions. On the following days the Railway Bill, affecting municipal subscriptions, is introduced and goes through its various stages. On the 19th of February a conversation takes place with respect to the Railway Bill, between the Prime Minister and the Lieutenant-Governor. The latter, as he himself admits in his letter of the 1st of March, then expressed, it is true, his regret at seeing that measure before the House, but in no way does he demand that it should be withdrawn, or even suspended. Notwithstanding the official knowledge that the Lieutenant-Governor had of the progress of these two measures in the House, a fact that he has never yet denied, the Lieutenant-Governor does not think it his duty to interfere and ask his Ministers to withdraw that legislation. Confident that he possessed the authorization of the Lieutenant-Governor, and relying upon the acquiescence implied by the conversation which took place between them, that these measures might be submitted and discussed in the House, the Prime Minister had them passed through both Houses. And in the face of all this, can the Lieutenant-Governor pretend that this legislation was never made known to him, and that he was never consulted about it?

Such a pretension was so untenable that the Lieutenant-Governor, wishing to prevent the effect of the ministerial explanations and of the solemn protest of both Houses, transmitted to the Governor General and to the Federal Parliament, thought it necessary to address to His Excellency Lord Dufferin, his explanatory case, dated the 18th of March, 1878.

Dealing with that part of the Lieutenant-Governor's answer which bears upon one of the charges contained in the petition, and in which he states in contradiction

to official and authentic documents, that he signed the proclamations referred to "after their publication," the undersigned represent that this explanation is of no value, it cannot be received to contradict authentic documents and is of no value in presence of the facts established by the proclamations bearing his signature and the dates at which they were signed, it is difficult to understand how the Lieutenant-Governor can bear evidence against his own signature and expect that his statement upon the point can be credited, and it is to be noted that such statement was omitted in the Lieutenant-Governor's despatch to the late Governor General, the Earl of Dufferin.

To disprove his expressions of confidence in Mr. DeBoucherville in sending him a blank signed in answer to a demand of authorization to introduce "Resolutions respecting Finances," the Lieutenant-Governor now states that this blank was sent to his private Secretary. This statement is inaccurate; it was sent to the honourable Mr. DeBoucherville, as admitted by the Lieutenant-Governor in his letter of the 1st day of March last.

In proof of the fact that the day of thanksgiving was appointed after consulting with the Lieutenant-Governor, as shown by the Order in Council previously approved by him, and moreover, at his special request, the undersigned refer to the letter of the Hon. Mr. Mackenzie to the Lieutenant-Governor on the subject, which may be found at Ottawa.

The charge of concealment from the Lieutenant-Governor of petitions against the Railway Bill is a new one; it is gratuitous and unsupported by any evidence they had not been laid twenty-four hours before the Executive Council when they were communicated to the Lieutenant-Governor.

The Lieutenant-Governor states again that the explanations given by Mr. Angers to the House were unauthorized. In refutation, and to make this point clear, it is only necessary to refer to Mr. DeBoucherville's statement in which he affirms he was verbally authorized to communicate to the House the correspondence exchanged between him and the Lieutenant-Governor, and to give explanations, and also to the written answer made by Mr. DeBoucherville to the Lieutenant-Governor's letter on the 4th day of March last.

Referring to what the Lieutenant-Governor calls discrepancies between the statements of the Hon. Mr. DeBoucherville and those of Mr. Angers by simply reading the latter's explanations to the Legislative Assembly, they show that he did not quote the Hon. Mr. DeBoucherville, but gave what was understood to be the extent of the authorization which Mr. DeBoucherville had from the Lieutenant-Governor.

In relation to the fact whether Mr. DeBoucherville's statement corroborates the allegation of the Lieutenant-Governor on the two Bills in which inaccuracies had occurred, reference may be had to Mr. DeBoucherville's letter of the 2nd April last, to the Governor General. It completely disproves the allegation that Mr. DeBoucherville requested the Lieutenant-Governor to give his sanction to the Bill to provide for the safety of the public in theatres, &c., in the state in which it was, "the conciliatory spirit which I showed," said the Lieutenant-Governor, "in granting my consent seemed to please him." This statement is shewn to be erroneous by the Statute Book of 1876, cap. 20, amending cap. 19, and there was no occasion by the pretended consent to pass the Bill in the state in which it was, "nor for the satisfaction of Mr. DeBoucherville at the pretended" conciliatory spirit of the Lieutenant-Governor.

The allegation that the Lieutenant Governor passed over the instance of irregular legislation in the case of a bill to authorize the formation of Societies for the improvement of country roads, &c., is also completely explained in the same letter of Mr. DeBoucherville of the 2nd April last. Reference might be made to the reports of the Attorney-General of Quebec and of the Honorable Minister of Justice on this subject, and then it will appear most strange that the Lieutenant-Governor should say: "as a favor to him (Mr. DeBoucherville) I passed over this instance of irregular legislation which was then irreparable."

TH
case, m
other,
and tha
shewn
lative
the vie
Lieuten
Ministe
himself
cancel t
ministe
tenant-G
quiesced
time suc
The
accept t
not have
composi
to advise
cherville
little im
protest o
Lieutena
fact enta
The
can rely
cherville
leader of
by the m
After
choose a
member
but the u
sustains,
The
tions of t
said majo
by the cal
vinced hi
elected by
in the par
give Her
the prepor
in connect
increase th
The r
Governmen
the circum
In de
himself de
ments of t
ministerial
the elector
solicited th
The m
action, but
19—

ferred to "after
s of no value, i
ue in presence
and the dates at
enant-Governor
ement upon the
mitted in the
l of Dufferin.
in sending him
e "Resolutions
blank was sent
the honourable
tetter of the 1st
fter consulting
ously approved
to the letter of
which may be

titions against
any evidence
cil when they
given by Mr.
is point clear,
ich he affirms
correspondence
anations, and
nt-Governor's

between the
s by simply
w that he did
od to be the
Lieutenant-

roborates the
curacies had
d April last,
Mr. DeBou-
Bill to pro-
t was, "the
in granting
rroneous by
ccasion for
nor for the
pirit of the

nce of irreg-
eties for the
me letter of
the reports
tice on this
enor should
f irregular

The constant reference made by the Lieutenant-Governor to the Montmagny case, may require once for all the remark that there never was in this case, or in any other, the intentions to substitute the action of the executive to that of the judiciary, and that the Government in this matter acted in strict accordance with the law, as shewn by the report of Mr. Angers, dated 15th March, 1877, (*vide* return to Legislative Assembly, p. 12). But in this instance the application of the law did not suit the views of the party opposing the Government, and they corresponded with the Lieutenant-Governor not as is required by constitutional practice through his Ministers, but with him personally, (*vide* same return p. 16,) thereby delivering himself over to external and irresponsible advisers and they prevailed upon him to cancel the appointment of Jules Bélanger, made by himself upon the advice of his minister to which cancellation the government seeing the persistency of the Lieutenant-Governor on the subject in opposition to the Attorney General's report, acquiesced out of deference to the Lieutenant-Governor, and so stated to him at the time such acquiescence was made.

The Lieutenant-Governor, attempting to offer a justification for neglecting to accept the protest of the majority of the House, declaring that it had not and could not have any confidence in any Government which might be formed out of the party composing the majority says that M. DeBoucherville after his dismissal had declined to advise him on the person for whom he should send. It is plain that M. DeBoucherville being dismissed could not offer any advice. It is easy to force of what little importance M. DeBoucherville's advice would have been, when the advice and protest of the House on the subject, expressed in its address, did not prevent the Lieutenant-Governor from seeking his advisers in the ranks of the minority, which fact entailed the necessity and expense to the Province of a dissolution.

The Lieutenant-Governor says: "I have been assured on authority on which I can rely that at a meeting of the members of the party which supported M. DeBoucherville, Mr. Chapleau, whose signature stands first to the memorial, was chosen leader of the party, so that the correctness of my judgment has been acknowledged by the members of his own party.

After the general elections it was necessary that the Conservative party should choose a leader in the Legislative Assembly, M. de Boucherville being leader and member of the Legislative Council. This was done at a private caucus of the party, but the undersigned entirely fail to see what this had to do with, or in what way it sustains, the correctness of the Lieutenant-Governor's judgment.

The Lieutenant-Governor lays great stress on the fact that at the general elections of the 1st of May last, his Ministry was sustained by a majority, and that the said majority supported him in the House. That reason might perhaps be invoked by the cabinet of Mr. Joly, and even then the English precedents ought to have convinced him that a ministry sustained by the vote of the Speaker alone, chosen and elected by ministerial influence, is not considered as having a constitutional majority in the parliamentary acceptance of the term. Only lately Her Majesty refused to give Her sanction to acts passed in a British Colony, where they had been carried by the preponderating vote of the Speaker, and in the present case the well-known facts in connection with the election of the Speaker of the House are hardly of a nature to increase the importance of his vote.

The resolution passed at the last Session censuring the formation of the new Government taken from the ranks of the minority, had a peculiar significance under the circumstances.

In decreeing a dissolution of the Legislature, the Lieutenant-Governor had himself declared that he desired to know in a more constitutional manner the sentiments of the people of this Province on the actual state of public affairs, and on the ministerial changes which had just taken place. The First Minister had also opened the electoral campaign by an appeal to the electors of the Province, in which he solicited their approbation of the course adopted on the 2nd of March.

The majority of the members of the Legislative Assembly condemned that action, but as public works of great magnitude were then in progress, they did not

consider themselves justified in refusing to concur in a general and independent manner with the measures of the Government.

It is well known that the Session had been called together chiefly to obtain a vote of supply, and no legislation of importance, with the exception of a measure of the late Government for handing over to the Minister of Public Works the construction of the Provincial Railway, was passed.

It was with this view that the supplies were voted, but not without the solemn protest contained in the direct motion of want of confidence which preceded the granting of the supplies.

At all events this majority cannot be invoked by the Lieutenant-Governor to justify his conduct—"Le succès ne fait jamais le droit." Success is not justification, and the electors would learn with consternation that a functionary of the Federal Government, (when neither the people of the Province nor their representatives can constitutionally punish nor even censure) is to be protected from all censure and all punishment from those to whom alone he is directly responsible, provided that by his violation of the Constitution he can procure a majority, all the more easily obtained, that one is less scrupulous as to the means of obtaining it by his certitude of absolute impunity. In his memorandum of the 18th March, the Lieutenant-Governor tells His Excellency that he is reluctantly compelled to make revelations concerning the conduct of his Ministers, to maintain the dignity of his office, to prove that his object has always been to protect the constitutional liberties of the people, and finally, "because the existence of the Constitution is at stake." We, on the contrary, most respectfully hold that never has the Constitution received a more severe blow. The responsibility of the Ministers for all the acts of the head of the State, and the absolute immunity of the latter, imply, necessarily, an entire reciprocal confidence, and the inviolability of the secrecy of their advice and council. No one can dispense with this rule without making Responsible Government an impossibility. If the Head of the State were allowed, after the struggle of parties has terminated in the House by the adoption of a measure, to come and accuse his Ministers of having acted through sordid motives or in any other reprehensible way, Ministerial responsibility would be no more. Such an act from a constitutional monarch would be a violation of the fundamental principles of responsible government, and would expose him to dangerous conflicts with his Parliament. How much more so does such an act, by a public officer who is responsible to a higher authority, deserve reproof and punishment?

The Lieutenant Governor, after assuming his office, as he admits himself, gets persuaded that ministerial and administrative changes have become necessary, and determines to use the influence attached to his position to realize what he deems to be, to the best advantage of the Province. The Prime Minister, acting in accordance with the wishes of a large majority of the national representation, follows a policy which does not commend itself to the personal opinions of the Lieutenant-Governor. Immediately the Lieutenant-Governor takes for mistrust or insubordination what was simply the respect for the people's will. The most insignificant details are carefully criticised, confidential conversations are secretly noted, involuntary mistakes of the employees are charged as grave errors of administration. Lastly, taking advantage of the confidence which his Prime Minister had placed in him, and the good faith with which he interpreted his words and his acts, he knowingly allows the vote to be taken in both Houses on measures introduced by his Cabinet, and then suddenly thwarts and arrests that legislation. He respects neither the decisions of both Houses, regarding these measures, nor the confidence of the Houses in his Ministry, nor the energetic protestations of both branches of the Legislature claiming the free exercise of representative government. He dismisses his Ministers and brusquely dissolves Parliament.

Then, to explain his conduct, the Lieutenant-Governor forwards to His Excellency Lord Dufferin his memorandum, dated the 18th of March, which alone we humbly submit, would be enough to justify the dismissal of the Lieutenant-Governor. In that factum, under the pretence of defending the prerogative of the Crown, the Lieutenant-Governor divulges in misconstruing them, certain acts and confidential conversations, the secret of which is considered as sacred by the Sovereign himself.

T
to the
their
A
stitute
T
ing les
having
acting
attemp
Legisla
favor t
had I
convinc
Legisla
In
orately
having
was giv
ation of
his form
We
Sim
Province
entered
oppositi
him), w
Railway
on the c
the Gove
notoriety
view of g
prises in
opposition
But
before la
measure
which th
ant-Gover
was adop
afterward
The c
Governor
advisers,
impossible
defending
The c
echo of th
and forward
March last
Governor
"explanat
and finally
signed.
These
1st. T
confidence
19—

and independent

to obtain a
of a measure of
the construc-

about the solemn
which preceded the

Governor to justify
ification, and the
ral Government,
constitutionally
punishment from
violation of the
that one is less
e impunity. In
His Excellency
conduct of his
ect has always
," because the
ost respectfully
e responsibility
late immunity
he inviolability
this rule with-
d of the State
House by the
ected through
sibility would
iolation of the
him to danger-
ect, by a public
ishment?

himself, gets
necessary, and
at he deems to
in accordance
llows a policy
ant-Governor.
ination what
etails are care-
stary mistakes
y, taking ad-
and the good
ly allows the
inet, and then
e decisions of
Houses in his
ature claim-
Ministers and

to His Excel-
which alone we
ant-Governor.
e Crown, the
d confidential
eign himself.

The Honorable Mr. DeBoucherville, in his letter to His Excellency, has replied to the said factum, and the undersigned think they have completed that answer by their present rejoinder.

Among the allegations of that factum, one stands above all the others, and constitutes, in effect, an accusation of malversation.

The Lieutenant-Governor accuses the Prime Minister and his colleagues of nothing less than having yielded to dishonest combination or "rings" in the House of having granted considerable sums of money, as subsidies to railway companies, while acting under their pernicious influence, and then he adds:—"When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those rings; when by his legislation he sought to favor them anew during the last session, without having previously advised with me, had I not the right, as the representative of my Sovereign, to believe and to be convinced that M. DeBoucherville did not possess a constitutional majority in the Legislative Assembly."

In other words, the Lieutenant-Governor accuses his Ministers of having deliberately introduced legislation with the venal object of enriching private parties; of having resisted the benevolent and charitable advice that he, the Lieutenant-Governor, was giving them, and of having allowed even, "during the last Session," the continuation of the said dishonest legislation without consulting him beforehand and against his former advice.

We emphatically deny the truth of these allegations.

Since the DeBoucherville Government undertook the construction of the great Provincial Railway, they have added nothing to the aggregate of the obligations they entered into at the outset with the railway companies. On the contrary, when the opposition (which the Lieutenant-Governor called on the 2nd March last to advise him), was asking, while in opposition, that new grants be made for the Southern Railway as a compensation for the amount the public treasury was pledged to spend on the construction of the Provincial line on the North Shore of the St. Lawrence, the Government of M. DeBoucherville resisted the demands. It is a fact of public notoriety that frequent and numerous delegations besieged the Prime Minister, in view of getting some advantages by way of increased subsidies for the railway enterprises in which those delegations were interested, and that they created quite an opposition to him on account of his refusing to yield to their demands.

But a still more remarkable fact is, that the measure introduced the Session before last by the DeBoucherville Administration, concerning railway enterprises, a measure granting no new subsidies, but applying in a special way the subsidies to which the Companies were entitled, and which is the measure to which the Lieutenant-Governor alludes in the passage of his memorandum just quoted, that measure was adopted and carried through without any notification by the new Ministry, and afterwards sanctioned by the Lieutenant-Governor.

The undersigned respectfully contends that this accusation of the Lieutenant-Governor against his Ministers, is such a violation of the confidence he owes to his advisers, and such a misrepresentation of their conduct and of his own, that it renders impossible the service of the State under a chief who thus tries to destroy instead of defending the honor of his Ministers.

The charges now submitted to the consideration of Your Excellency, are but the echo of the grievances expressed in the addresses passed by the Legislature of Quebec, and forwarded to the Governor-General, the Senate and the House of Commons, in March last. They are also to be found in the correspondence between the Lieutenant-Governor and M. DeBoucherville, in the answer of M. DeBoucherville to the "explanatory case" of the Lieutenant-Governor to His Excellency Lord Dufferin, and finally in the additional documents referred to in the memorial of the undersigned.

These grievances may be summed up in the following manner:

1st. The Lieutenant-Governor, in dismissing his ministers when they enjoyed the confidence of both Houses of the Legislature, and when they had not been guilty, as

the Lieutenant-Governor admits, of any wilful want of respect for the prerogative of the Crown, has violated the principle of responsible government.

2nd. The Lieutenant-Governor in giving as his reasons for the dismissal of his ministers, the introduction without his consent of two bills having reference to the financial interests of the Province, after he had really given his authorization to these measures and after these measures had been fully discussed and voted upon in the Legislative Assembly, has been guilty of a breach of good faith towards his advisers and of want of respect to the Legislature.

3rd. The Lieutenant-Governor in his explanations laid before his Excellency Lord Dufferin has divulged the secrets of his advisers, giving an inaccurate version and a false interpretation to the words and actions, he has attacked the authenticity of public records, questioned measures and acts of administration which he had long before sanctioned, and has rendered illusory and impossible all guarantees for that mutual confidence which should ever exist between the chief of the executive and his advisers.

The undersigned have not attempted to follow and discuss all the matters referred to in the original memorial, nor in some instances to re-adduce proofs and reflections therein contained, which answers explain or contravert allegations made from time to time and in different documents by the Lieutenant-Governor. The record must be considered as a whole, and from it, and in it will be found ample grounds for all they have advanced and asserted against the Lieutenant-Governor, whilst it demonstrates the necessity which exists that the constitutional rights of the people should be vindicated.

Wherefore, your Petitioners persists in the conclusions of their petition and pray as in and by the same they have already prayed.

(Signed) J. A. CHAPLEAU,
" L. RUGGLES CHURCH,
" A. R. ANGERS.

MONTREAL, 19 December, 1878.

LIEUTENANT-GOVERNOR'S ANSWER TO PETITION.

GOVERNMENT HOUSE,
QUEBEC, 9th December, 1878.

SIR,—I have had under consideration Mr. Under Secretary's letter of the 22nd ultimo, transmitting the copy of a memorial from Messrs. Chapleau, Church and Angers, representing that I had made statements to His Excellency the Governor General " unsupported by and contradictory of the official documents to which they relate; that such erroneous statements could not have been made by mistake or failure of memory, and further representing that the violation of the principles of responsible government committed by the Lieutenant Governor and his actions as above represented, should be dealt with under the authority granted the Honourable the Privy Council of Canada by the 59th section of the British North America Act 1867 "

Before replying to the very serious charges preferred against me by three members of the late Executive Council of the Province of Quebec, I must call your attention to a very extraordinary error committed by the memorialists, all of whom are members of the legal profession, and one of them an ex-Attorney-General. In the 59th section of the British North America Act, there is no reference to the Privy Council which is not even named in that section. It declares that the Lieutenant-Governor shall hold office " during the pleasure of the Governor General," whose office and position are wholly ignored by the memorialists—a circumstance which I notice, chiefly because it is in strict accordance with the practice which they followed as Executive Councillors towards the Lieutenant-Governor of Quebec.

the prerogative

dismissal of his
reference to the
authorization to these
ed upon in the
ards his advisers

his Excellency
rate version and
enticity of pub-
had long before
for that mutual
cutive and his

e matters refer-
proofs and reflec-
ons made from
r. The record
ple grounds for
nor, whilst it
of the people

tion and pray

RCH,

N.

ber, 1878.

of the 22nd
a, Church and
the Governor
to which they
ake or failure
es of respon-
ions as above
onourable the
America Act

y three mem-
ast call your
all of whom
neral. In the
to the *Privy*
o Lieutenant-
eral," whose
ance which I
they followed

The charges preferred against me are, 1st, a violation of the principles of responsible government; 2nd, erroneous statements wilfully made.

With regard to the first charge, I have to state that I have always understood that responsible or Parliamentary Government, in the same sense in which it is understood in England and in the administration of the affairs of the Dominion, was also the rule in the Province of Quebec.

Notwithstanding the wide difference between the powers of the Imperial Parliament, of the Dominion Parliament and of the Provincial Legislatures, the principles on which the government of each is conducted are considered the same.

As the representative of the Crown in the Province of Quebec, I claim the right to be consulted on all matters on which it is necessary that the influence of the Crown should be used.

The right of consultation has been repeatedly acknowledged by English statesmen of all parties, as well as by the best writers on constitutional law.

Although I deem it unnecessary to refer to precedents in support of my views on the question, yet I may state that I have been assured on unquestionable authority that during the government of the Earl of Elgin, who initiated the system of responsible government in Canada, his ministers were most scrupulous in consulting him on every question that arose, whether of administration or legislation.

I shall venture to assume that in claiming for the Lieutenant-Governor of the Province of Quebec the right to be consulted by his Executive Council, which by the 63rd clause of the British North America Act is to be composed of such persons as "the Lieutenant-Governor from time to time thinks fit". I am strictly claiming what the Governor General would claim in regard to Dominion affairs, and what Our Most Gracious Sovereign would claim with regard to questions of Imperial character.

I shall proceed to consider the application of the principle to the circumstances which led to the dismissal of the Hon. M. DeBoucherville.

It will not, I presume be disputed that no measures of greater importance were introduced during the first session of 1878, than the Bill imposing new taxes and the Bill relating to the Quebec, Montreal, Ottawa and Occidental Railway.

It appears in the documents accompanying the memorial that I never was consulted on either of these important measures.

Has my positive assertion been denied?

The contention of the Hon. M. DeBoucherville is, "that I ought to have read the Treasurer's Budget speech, in which he announced the proposed taxes," and my reply is that "I should have been consulted" before the delivery of that speech!

In regard to the Railway Bill, the Hon. M. De Boucherville contends that a telegram addressed to me during a brief absence at Rivière Ouelle, in which he asked my authority "to put the question of finance before the House," and in accordance with which, I sent my signature to my Private Secretary for the message to accompany the Estimates, was an adequate consultation on a Railway Bill which contained provisions substituting to the judiciary the Lieutenant-Governor in Council, as a tribunal to decide as to the liability of municipalities for the payment of money which they disputed.

I reaffirm in the most unequivocal terms that I never was consulted either as to the proposed new taxes, or as to the Railway Bill; and with regard to the latter measure, the Hon. M. DeBoucherville was fully aware, from what I said to him when the Montmagny case was under deliberation that I had insuperable objections to the substitution of the Executive authority for the legal tribunals of the Province.

I may here notice a remarkable discrepancy between the statements of the Hon. M. DeBoucherville and those of Mr. Angers, which could hardly have been unintentional on the part of the latter, who desired to convey the idea that I had given the Hon. M. DeBoucherville full authority to introduce in the name of the Government all such bills as he and his colleagues might think proper. In the conversation which took place on the 19th February, about three weeks after the introduction of the Railway measure, the Hon. M. De Boucherville alleges that I gave him "authorization generally to lay money questions before the House," and adds "I considered I had a

right to inform my colleagues that I had your permission for all questions respecting money." Such a permission would have been wholly inconsistent with my repeated requests that everything should be submitted to me. But Mr. Angers, in order to cover the Railway Bill, changes the Hon. M. DeBoucherville's language from "questions respecting money" to "all measures which the public service required."

It is contended by those who are responsible for the omission to consult me at the proper time, that I ought to have notified them that I objected to their Bill, at an earlier period.

I was placed in a position of great embarrassment, owing to the Hon. M. DeBoucherville's reticence on the subject of the Government measures, and to the concealment from me of the petitions against the Bill, which I only had cognizance of after my request for information on the 25th of February.

When, in addition to the various reasons already given, I found that there was a strong objection to the Government measure on the part of the municipalities interested, I came to the conclusion that it would be most unwise to sanction such legislation, and that the removal of the Hon. M. DeBoucherville as Premier, was rendered necessary.

It has been made a subject of complaint by the Legislative Assembly, that I did not send for a member of the party in the majority of the existing House to form a new administration; but on reference to the documents accompanying the memorial, it will appear that I requested the Hon. M. DeBoucherville to name the person for whom I should send, and that he declined to advise me.

Under the circumstances, I contend that in sending for the leader of the Opposition, I followed the constitutional practice.

The Hon. M. DeBoucherville was the acknowledged leader of the party commanding the majority in the Legislature; but he had, in my judgment, failed in his duty to me as Lieutenant-Governor, and had in consequence forfeited my confidence.

To him chiefly I objected, and if proof were wanted that my judgment was in accordance with public opinion, it is only necessary for me to state that I have been assured, on authority on which I can rely, that at a meeting of the members of the party which supported the Hon. M. DeBoucherville, M. Chapleau, whose signature stands first to the memorial, was chosen leader of the party, so that the correctness of my judgment has been acknowledged by the members of his own party.

Before closing this branch of the complaint of the memorialists, I may refer to their allegation that the appeal to the country, made on the advice of my present Council, was unsuccessful.

In support of that allegation, they furnish a copy of a resolution adopted by a majority of one, when the House was not full, concealing the fact that the following resolution was immediately adopted in a full House as an amendment and an addition to the one alluded to by the memorialists: "That nevertheless under the present circumstances, this House believes it to be its duty to give a general and independent support to the Government, in such a manner that the measures which it proposes may be submitted to the judgment of this House."

They do not mention that out of the five elective members of the Hon. M. DeBoucherville's Cabinet, three failed to secure their return to the House of Assembly, and that a considerable number of their supporters shared the same fate, while the Hon. M. Joly and his five colleagues in the Assembly were returned.

I may also add that all the measures introduced by the Government were adopted by the Legislative Assembly.

Although I have thought it right to notice this branch of the complaint, yet it is obviously not one affecting me personally. The dissolution was resorted to in strict accordance with constitutional practice, and the present Cabinet can only hold office while enabled by the Legislature to carry on the public business.

With regard to the second head of the complaint of the memorialists, I may observe that my letter to the Governor General of the 18th March, 1878, has been by numbers misunderstood.

positions respecting
with my repeated
ers, in order to
language from
required."

to consult me at
to their Bill, at an

to the Hon. M.
ares, and to the
had cognizance

that there was a
to municipalities
to sanction such
Premier, was ren-

ably, that I did
house to form a
g the memorial,
the person for

of the Opposi-

the party com-
t, failed in his
my confidence-
gment was in
at I have been
members of the
those signature
the correctness
erty.

may refer to
f my present

adopted by a
the following
and an addition
the present
d independent
ch it proposes

Hon. M. De-
of Assembly,
te, while the

were adopted

aint, yet it is
d to in strict
a only hold

alists, I may
has been by

It has been assumed that my object, in that letter, was to prefer new charges against the Hon. M. DeBoucherville and his colleagues, on which to justify his dismissal. Such was far from being my intention. I conceived that in accordance with the practice followed by the Governor General, who communicates freely and fully with the Imperial authorities on all subjects of interest, it was my duty, especially after the unauthorized statement made by M. Angers, in the House of Assembly, to apprise the Governor General of all important circumstances preceding the dismissal of the Hon. M. DeBoucherville.

The statement of M. Angers is defended by M. DeBoucherville, although in my letter of the 4th March, I defined, in the most precise manner, the documents which were to be communicated to the House.

As I had never seen M. Angers' memorandum, I could not have permitted it to be communicated, and it is not denied that permission was necessary in order to justify the explanations.

I may observe that neither the Hon. M. DeBoucherville, nor the memorialists, seem to have appreciated my objections to their first communication to the House of Assembly, which, in my letter to the Governor General, I referred to as different from what was agreed on between the Hon. M. DeBoucherville and myself.

It will be found, on reference to the papers, that when the Hon. M. DeBoucherville, on the 2nd March, asked permission to give explanations, he expressly referred to "the memorandum of the Lieutenant-Governor, and his replies thereto," the same documents to which I referred in my letter of the 4th March.

On the 2nd, I requested the Hon. M. DeBoucherville, verbally, to delay the explanations, but, on the 4th, I addressed a letter to him, requesting him to communicate to the Houses that the adjournment from day to day was rendered necessary owing to the arrangements for the formation of a new Executive not having been completed.

I consider that I had just ground of complaint, that M. Angers in making that communication, announced that the Ministry had been dismissed; the consequence of which was that a prejudice was created against me, several days before the various documents could be laid before the House.

With regard to the two Bills in which irregularities had occurred, the Hon. M. DeBoucherville confirms the accuracy of my statements regarding them.

If the Montmagny case was referred to by me in my letter to the Earl of Dufferin, it was in order to establish the fact that the Hon. M. DeBoucherville was fully cognizant of my strong objection to any acts tending to substitute executive for judicial power, and that he therefore ought not to have introduced the provisions in the Railway Bill, substituting the Lieutenant-Governor in Council for the legal tribunals, without consulting me specially on the point.

The proclamations which were published in the *Official Gazette* without my signature were referred to in order to establish the fact that I had specially called the Hon. M. DeBoucherville's attention to the irregularity of such proceedings, and that he had therefore no excuse for using my name without my special sanction.

The Hon. M. DeBoucherville in alleging that the two proclamations mentioned in my memorandum were signed, *on'ting at the same time to state when*, has endeavoured to create an impression that my statement is incorrect; I must re-affirm my previous statement, that both the proclamations referred to "were published with my signature in the *Official Gazette* before my signature thereto was given."

In both cases I signed the proclamations after their publication, so as to prevent any irregularity, but I remonstrated at once with the Hon. M. DeBoucherville verbally, and in a letter, dated 6th November. He expressed to me his regret at the occurrence, &c., &c.

I referred to these irregularities merely to prove that I had taken all possible means to convey to the Hon. M. DeBoucherville my desire that my name should not be used without my express permission.

While referring to these proclamations I may observe, that by introducing words never used by me, viz: "for the despatch of business," the Hon. M. DeBou-

cherville has endeavoured to convey the idea that I referred to the proclamation summoning Parliament "for the despatch of business," whereas it was what he terms "the mere formal one" on which I desired to confer with him, before the proclamation was published.

My attention having been drawn by my Private Secretary to the fact that these proclamations had been published before the original proclamations were signed, I sent my letter of the 6th November to the Hon. M. DeBoucherville, who came at once to my office, where my Private Secretary brought a copy of the *Official Gazette* (the one of the 3rd November, 1877) to compare with the original proclamations, and it was only then, after the explanations alluded to, that I signed the originals in the presence of these gentlemen, for the reasons already alluded to.

I am not aware that there is any charge brought forward by the memorialists that I have not fully met, but if it should appear that there is, I undertake, on its being pointed out, to refute it in a satisfactory manner.

I venture to assert that various documents submitted by the memorialists do not establish the case on which they rely. It is, however, possible, that charges made in their petition may not strike me as of importance, or may be viewed in a different light by others, and I therefore deem it necessary to request that I may have the opportunity of refuting any specific allegations that may seem to be warranted by the allegations of the memorialists.

I have endeavored to meet the various charges preferred against me in the memorial of Messieurs Chapleau, Church and Angers as explicitly as the nature of the case would admit.

I confess that I am not altogether clear as to the specific charges of the memorialists, some of which are of such character that I decline to qualify them, and I therefore may have omitted to notice some that may appear to others more formidable than they do to me. I will therefore simply affirm the correctness of every statement in my letter to His Excellency the Earl of Dufferin, of the 18th March last, and I will request that, if there is the least doubt as to any of them, or of any others that I may have made during the discussions consequent on the change of Ministry in March last, I may be afforded an opportunity of further explanations.

I have the honor to be, Sir,

Your obedient servant,

(Signed) L. LETELLIER.

The Hon. the Secretary of State for Canada,
Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE, CANADA.

12th December, 1878.

SIR,—I am directed to acknowledge the receipt of your despatch of the 9th ultimo, in reply to the memorial of the Honorable Messrs. Chapleau, Church and Angers, a copy of which was transmitted to you in my letter of the 22nd ultimo.

I have the honor to be, Sir,

Your most obedient servant,

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

TO HIS HONOR

THE LIEUTENANT-GOVERNOR OF QUEBEC.

DEPARTMENT OF THE SECRETARY OF STATE, CANADA,
17th December, 1878.

SIR,—I have been instructed to transmit to you herewith, for your information, a copy of a letter from His Honor the Lieutenant-Governor of the Province of Quebec, in answer to the memorial of yourself and the Honorable Messrs. Church and Angers, a copy of which was transmitted to His Honor on the 22nd ultimo.

I have the honor to be, Sir,

Your obedient servant,

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

THE HONORABLE
J. A. CHAPLEAU, MONTREAL.

Exhibit No. 1.

No. 41

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

OF THE PROVINCE OF QUEBEC.

QUEBEC, FRIDAY, 8TH MARCH, 1878.

The following petition was received and read, namely:—

Of Benjamin Gagné, Esquire, of St. Nicholas, County of Lévis; praying amendments to the notarial tariff.

Mr. Speaker reported to the House, that he, yesterday, presented to His Excellency the Lieutenant-Governor, the Address of the Legislative Assembly, expressing their loyalty to Her Majesty, Queen Victoria, and entire submission to the constitution—that His Excellency received him graciously and gave the following reply:

L. LETELLIER,

Gentlemen of the Legislative Assembly;

I thank you for the expression of loyalty and attachment to Her Majesty Queen Victoria contained in your Address, and I receive with pleasure the assurance of your entire submission to the constitution.

In the exercise of the rights and prerogatives of the Crown, I, last Saturday, entrusted Mr. Joly with the duty of forming a new Administration, and the result of his labors will be communicated to you to-morrow.

Government House,
Quebec, 7th March, 1878. }

The Honorable Mr. Laframboise, seconded by Mr. Watts, moved

That Bill [No. 90] for granting to Her Majesty certain sums of money, required for defraying certain expenses of the Civil Government for the fiscal years ending on the thirtieth day of June, one thousand eight hundred and seventy-eight, and on the thirtieth day of June, one thousand eight hundred and seventy-nine, and for other purposes connected with the Public Service, be now read a second time.

Mr. Loranger, seconded by Mr. Lynch, moved
That the following address be presented to His Excellency the Governor General of the Dominion of Canada, to the Senate and House of Commons of Canada, and to His Excellency the Lieutenant Governor of the Province of Quebec.

To His Excellency the Honorable Luc Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

"The humble Address of the Legislative Assembly of the Province of Quebec, respectfully sheweth:

That it appears from the explanations given by the Honorable Mr. Angers, and from the official correspondence communicated to this House, that His Excellency the Lieutenant-Governor acknowledges that the Members of the DeBoucherville Cabinet have acted in good faith in the discharge of their duties;

That His Excellency has allowed the measures submitted by his Government to this House and to the Legislative Council, to be discussed and voted upon without order on his part to suspend them;

That, whilst asserting their devotion to Our Gracious Sovereign and their respect towards His Excellency the Lieutenant-Governor of this Province, this House is of opinion:

That the dismissal from Office of the DeBoucherville Cabinet, having taken place without reason, constitutes an eminent danger to the existence of responsible Government in this Province; is an abuse of power in contempt of the majority of this House, whose confidence they possessed and still possess, and is a violation of the liberties and will of the people;

And your petitioners will ever humbly pray."

And, objection having been taken that the said proceeding was not in order, inasmuch as the proceedings of this House and debates on questions cannot be suspended to discuss questions of privilege.

Mr. Speaker ruled:

"That the question now before the House is a question of privilege, and must consequently be now taken into consideration."

And another objection having been taken, that this motion tends to censure the conduct of the Lieutenant-Governor, and is in consequence out of order.

Mr. Speaker ruled:

It is a principle of a constitutional Government that the Crown can commit no wrong. The Lieutenant-Governor represents the Crown in our Legislature. It is, therefore, necessary that there should always be around the Sovereign and the Lieutenant-Governor, advisers, Ministers who are always to bear the responsibility which cannot be laid upon the Crown, and of this responsibility there cannot be a solution of continuity. And, although in Addresses the words "Lieutenant-Governor" are used as in measures brought before the House, by the very nature of our constitution these words are addressed only to the Ministers, who are responsible to the House. The Sovereign, in the person of Her representative, is never in question. In the present case the reproaches contained in the motion are addressed to the advisers of His Excellency the Lieutenant-Governor. I, therefore, rule it to be in order.

Mr. Speaker, under the provision of chapter 4 of the Statutes of the Province of Quebec, 31st Victoria, called upon Mr. Taillon to take the Chair during his temporary absence.

After a short time, Mr. Speaker resumed the Chair.

The House having continued to sit until twelve o'clock, midnight.

Saturday, 9th March, 1878.

The question on Mr. Loranger's motion, having been put, was agreed to on the following division:

M.
Chenon,
Mongé,
Le Cav
Cyr, T

MM.
Molleur
Mr.
and sign
ant-Gov
His Exc
transmi

Wh
And

Majesty
Govern
eight hu
eight hu
Service,

The
all the w
"be not
justice sh
resolution
the publi
the prese
Whi

MM.
Deschène
(Maskino
Loranger,
Turcotte,

MM.
Mathieu, M
Watts.—I
The w
Mr. M
That

the Crown
present Pa
of St. Hyac
Dimouski,
G. Marchan
elections as
an office of
Henri Gust
have becom

YEAS.

MM. Alley, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschênes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Laroche, Lavallée, Le Cavalier, Loranger, Lynch, Martin, Mathieu, McGauvran, Picard, Sawyer, St. Cyr, Taillon, Tarte, Turcotte and Wartole.—31.

NAYS.

MM. De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Molleur, Pâquet, Préfontaine, Rinfret dit Malouin, Shehyn, Sylvestre and Watts.—12.

Mr. Loranger, seconded by Mr. Lynch, moved that the said Address be engrossed and signed by Mr. Speaker, and that it be transmitted to his Excellency the Lieutenant-Governor of the Province of Quebec, with prayer that he transmit the same to His Excellency the Governor General of Canada, and that the said address be also transmitted to the Senate and House of Commons of Canada.

Which motion was adopted on the same division.

And the question having been again put that Bill (No. 90) for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the fiscal year ending on the thirtieth day of June, one thousand eight hundred and seventy-eight, and on the thirtieth day of June, one thousand eight hundred and seventy-nine, and for other purposes connected with the Public Service, be now read a second time.

The Honorable Mr. Angers moved, seconded by the Honorable Mr. Church, that all the words after "Public Service" be struck out and replaced by the following: "be not now read, but that the reading thereof be suspended until such time as justice shall have been rendered to the majority of this House, inasmuch as when the resolutions upon which the said bill is based were adopted, the Cabinet charged with the public business enjoyed the confidence of this House and of the country; whilst the present Administration does not possess that confidence."

Which amendment was agreed to on the following division:—

YEAS.

MM. Alley, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschênes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Laroche, Lavallée, Loranger, Lynch, Martin, McGauvran, Picard, Sawyer, St. Cyr, Taillon, Tarte, Turcotte, and Wartole.—32.

NAYS.

MM. De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Mathieu, Molleur, Pâquet, Préfontaine, Rinfret dit Malouin, Shehyn, Sylvestre, and Watts.—13.

The main motion as amended was then carried on the same division.

Mr. Mathieu, seconded by Mr. Champagne, moved,

That the Speaker do, immediately, issue his warrant, addressed to the Clerk of the Crown in Chancery for the new writs for the election of Members to serve in the present Parliament for the Electoral Division of Lotbinière, for the Electoral Division of St. Hyacinthe, for the Electoral Division of St. John's, for the Electoral Division of Rimouski, in the place of Henri Gustave Joly, Esquire, Pierre Bachand, Esquire, Felix G. Marchand, Esquire, and Alexandre Chauveau, Esquire, who, since their respective elections as representatives of the above mentioned Electoral Divisions, have accepted an office of emolument under the Crown; by which acceptance the seats of the said Henri Gustave Joly, Pierre Bachand, Felix G. Marchand and Alexandre Chauveau have become vacant.

The Honorable Mr. Angers, seconded by the Honorable Mr. Church, moved in amendment to the said motion.

That the words "and this House, whilst ordering the issue of the said writs, deem it to be their duty to declare that the Administration whose formation created these vacancies does not possess the confidence of this House, nor that of the country" be added to the end thereof.

Which amendment was agreed to on the following division.

YEAS.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschênes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Larochelle, Lavallée, Lonanger, Lynch, Martin, Mathieu, McGauvran, Picard, St. Cyr, Taillon, Tarte, Turcotte and Wartele.—32.

NAYS.

MM. De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Molleur, Paquet, Préfontaine, Rinfret dit Malouin, Shebyn, Sylvestre, and Watts.—12.
The main motion as amended was then carried on the same division.

On motion of the Honorable Mr. Laframboise, seconded by Mr. Watts, it was *Resolved*,—That when this House adjourns it do stand adjourned until three o'clock P. M. this day.

A message was received from the Legislative Council agreeing to Bill (No. 20) intituled: "An Act to amend Chapter 77 of the Consolidated Statutes for Lower Canada, respecting the Court of Queen's Bench with an amendment to which they desire the concurrence of this House.

Also, the following Bills without amendments.

Bill (No. 11) intituled: "An Act respecting the notification for and the attendance at the removal of Seals and Inventories."

Bill (No. 55) intituled: "An Act to amend certain articles of the Municipal Code of the Province of Quebec."

Bill (No. 84) intituled: "An Act to provide for the giving notice of Sheriff's sale to hypothecary creditors."

Bill (No. 96) intituled: "An Act to further amend the laws respecting Public Instruction in this Province;" and

Bill (No. 100.) intituled: "An Act to amend chapter 69 of the Consolidated Statutes for Lower Canada, respecting Building Societies in the Province of Quebec." And the House then adjourned.

LOUIS BEAUBIEN.
Speaker.

Exhibit No. 2.

FRIDAY, 8TH MARCH, 1878.

The Honorable Legislative Councillors convened, were:

The Honorable Henry Starnes, Speaker.

The Honorable Messieurs

Archambeault,
Boucherville, de
Bryson
Dionne,
Dostaler,
Gaudet,
Gingras,
Hearn,
LaBruère, de
Laviolette,

LeMaire,
Léry, de
Panet
Proulx,
Prudhomme,
Ross,
Roy,
Webb,
Wood.

The following petitions were severally brought up and laid on the table:
By the honorable Mr. Ross, of the Sisters of Providence of the Cote-St. Louis.
By the honorable Mr. Hearn, of the Board of Trade of Quebec.

The following petitions were read and received:

Of the inhabitants of the Township of Woodbridge, County of Kamouraska, praying for the refund of the amount due by them to the Government on their lots;
Of the Board of Trade of Quebec, opposing the Quebec, Montreal, Ottawa and Occidental Railway Act.

Hon. Mr. de LaBruère, seconded by Hon. Mr. Webb, moved:

That the following Address be presented to His Excellency the Governor General of the Dominion of Canada, to the Senate and to the House of Commons of Canada and to His Excellency the Lieutenant-Governor of the Province of Quebec.

To His Excellency the Honorable Luc Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

"The humble Address of the Honorable Legislative Council of the Province of Quebec, respectfully sheweth:

That it appears from the explanations given by the Hon. M. DeBoucherville, and from official correspondence communicated to this House, that His Excellency the Lieutenant-Governor acknowledges that the Members of the DeBoucherville Cabinet acted in good faith in the discharge of their duties;

That His Excellency permitted the Bills submitted to this House and to the Legislative Assembly to be discussed and voted upon, without any order on his part to suspend them;

That whilst expressing its loyalty and devotion to Our Gracious Sovereign, and its respect for the Lieutenant-Governor of this Province, this House is of opinion:

That the dismissal from office of the DeBoucherville Cabinet, having taken place without sufficient cause, constitutes an imminent danger to the maintenance of responsible government in this Province, is an abuse of power exercised in contempt of the majority of both Houses, whose confidence they possessed and still possess, and a violation of the rights and will of the people."

And, objection being taken by the Hon. Mr. Archambeault that this motion is not in order, because the notice required by the 28th Rule of this House had not been given.

The Speaker decided that the said motion is not in order;

And the decision of the Speaker being appealed from by the Hon. Mr. de LaBruère, for the reason that this motion being a motion of privilege and of urgency, does not require the usual notice demanded by the 28th Rule of this House.

The question was put, and the House reversed the decision of the Speaker.

And the question of concurrence being put on the said motion, it was unanimously

Resolved in the affirmative.

Then, on motion of the Hon. Mr. de LaBruère, seconded by the Hon. Mr. Webb, it was

Ordered, That the Address be engrossed and signed by the Speaker of this House, and be by him transmitted to His Excellency the Lieutenant-Governor of the Province of Quebec, praying His Excellency to transmit it to His Excellency the Governor General of the Dominion of Canada, to the Senate and to the House of Commons of Canada.

The Order of the Day was read for the third reading of the Bill (No. 20) intituled: "An Act to amend chapter 77 of the Consolidated Statutes of Lower Canada, respecting the Court of Queen's Bench."

The Hon. Mr. Archambeault moved,

That the said Bill, as amended, be now read a third time.

The question was put whether this Bill, as amended, should pass? It was

Resolved in the affirmative.

Ordered, That the Clerk go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill with several amendments, to which they desire the concurrence of the Legislative Assembly.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 11) intituled: "An Act respecting the notation for and the attendance at the removal of seals on inventories."

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honorable Mr. Wood, from the said Committee, reported that they had gone through the said Bill, and had directed him to report the same without amendment.

On motion of the Honorable Mr. de Labrue, it was

Ordered, That the said Bill be read a third time presently.

The said Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was

Resolved in the affirmative.

Ordered, That the Clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Order of the day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 55) intituled: "An Act to amend certain articles of the Municipal Code of the Province of Quebec."

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honorable Mr. Bryson, from the said Committee, reported that they had gone through the said Bill, and directed him to report the same without amendment.

On motion of the Honorable Mr. Laviolette, it was

Ordered, That the said Bill be read a third time presently.

The Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was

Resolved in the affirmative.

Ordered, That the Clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 84) intituled: "An Act to provide for the giving notice of Sheriff's sales to hypothecary creditors."

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honorable Mr. Hearn, from the said Committee, reported that they had gone through the said Bill, and had directed him to report the same without amendment.

On motion of the Honorable Mr. de LaBruère, it was

Ordered, That the said Bill be read a third time presently.

The said Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was

Resolved in the affirmative.

Ordered, That the Clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 96) intituled: "An Act to further amend the laws respecting Public Instruction in this Province."

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honorable Mr. Dionne, from the said Committee, reported they had gone through the said Bill, and directed him to report the same without amendment.

On motion of the Honorable Mr. Archambeault, it was

Ordered, That the said Bill be read a third time presently.

The said Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was

Resolved in the affirmative.

Ordered, That the Clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 100) intituled: "An Act to amend chapter 6th of the Consolidated Statutes for Lower Canada, respecting building societies in the Province of Quebec."

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honorable Mr. Archambeault, from the said Committee, reported that they had gone through the said Bill, and directed him to report the same without amendment.

On motion of the Honorable Mr. Hearn, it was

Ordered, That the said Bill be read a third time presently.

The said Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was

Resolved in the affirmative.

Ordered, That the Clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without amendments.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 109) intituled: "An Act to further amend the law respecting subsidies in money made to certain railway companies."

On motion of the Honorable Mr. DeBoucherville, it was

Ordered, That the said Order be postponed until to-morrow.

A Message was brought from the Legislative Assembly by their Clerk, with a Bill (No. 12) intituled: "An Act respecting the proof of heirship or of legateship," to which they request the concurrence of this House.

The said Bill was read for the first time.

On motion of the Honorable Mr. de LaBruère, it was

Ordered, That the said Bill be read a second time to-morrow.

A Message was brought from the Legislative Assembly by their Clerk, with a Bill (No. 83) intituled: "An Act to amend and consolidate the Quebec License Act and its amendments," to which they request the concurrence of this House.

The said Bill was read for the first time.

On motion of the Hon. Mr. Archambeault, it was

Ordered, That the said Bill be read a second time to-morrow.

A Message was brought from the Legislative Assembly by their Clerk, with a Bill (No. 108), intituled: "An Act respecting the indemnity to petty jurors, in criminal cases," to which they request the concurrence of this House.

The said Bill was read for the first time.

On motion of the Honorable Mr. Archambeault, it was

Ordered, that the said Bill be read a second time to-morrow.

A Message was brought from the Legislative Assembly by their Clerk, with a Bill (No. 112) intituled: "An Act to amend the Act 20 Vic., ch. 25, respecting the the Quebec North Shore Turnpike Roads," to which they request the concurrence of this House.

The said Bill was read for the first time.

On motion of the Honorable Mr. Hearn, it was

Ordered, That the said Bill be read a second time to-morrow.

A Message was brought from the Legislative Assembly by their Clerk, with a Bill (No. 104) intituled: "An Act to impose a stamp duty on contract notes, and on certain deeds and instruments," to which they request the concurrence of this House.

The said Bill was read for the first time.

The Honorable Mr. Archambault moved,

That when this House do adjourn, it do stand adjourned until to-morrow at 11 o'clock, A.M.

And the question of concurrence being put on the said motion, it was

Resolved in the affirmative.

Then, on motion of the Honorable Mr. DeBoucherville, the House adjourned until to-morrow at 11 o'clock, A.M.

No. 42.

Exhibit No. 3.

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

OF THE PROVINCE OF QUEBEC.

QUEBEC, SATURDAY, 9th MARCH, 1878.

Mr. Speaker informed the House that, in conformity with the orders given to him at yesterday's sitting, he issued his warrant for the election of Members in the counties of those Members who have accepted office as Ministers; and that he was informed by the Clerk of the Crown in Chancery that the answer of the Government was that the matter was under consideration.

The following letter and "copies of the correspondence and explanations relating to the dismissal from office of the DeBoucherville Government" were laid upon the table:

QUEBEC, 8th March, 1878.

To the Honorable the Speaker of the Legislative Assembly.

SIR,—I have the honour to forward you, to be laid before the House, copy of the correspondence and explanations relating to the dismissal from office of the DeBoucherville Government, which I read and communicated to the House.

I have the honour to be, Sir,

Your obedient servant,

A. R. ANGERS,

Ex-Attorney General,

Member for the County of Montmorency.

Mr. Speaker,

"Mr. DeBoucherville had received permission from the Lieutenant-Governor to give explanations respecting his dismissal from office at the sitting on Monday, the fourth March instant. Between half-past one and two o'clock of the same day, he received from His Excellency a notice not to give any explanations until the new Cabinet had been formed.

This right, in and to t

It i did not tho Rep has no respect Govern kept fro and the

On from the

To the I

The sideratio

1. A of the r Occident respectin

2. A the cons the "Ne

3. A agreed to

4. A and a co

Commis tions, vi

5. A road.

6. A entrusted

7. A during th

8. A Corpora condition

9. A present S recovery

10. into the

11. thereof.

12. ment not

law, and

of money

any mani

post facto

This event having been announced, the late DeBoucherville Government has the right, in virtue of the permission so obtained, to give its explanations to the House and to the country.

It is my duty to announce to the House that the DeBoucherville Government did not resign. A Government, possessing the confidence of the great majority of the Representative Assembly and of almost the whole of the Legislative Council, has no right to resign, if it has really at heart the interests of the country, and a respect for its duty. This Government was dismissed from office by the Lieutenant-Governor. The facts which preceded and followed this event are entered in a journal, kept from day to day and from hour to hour, under the dictation of the Ex-Premier, and the following is an extract and faithful recital thereof.

On the 26th February, 1878, at half-past four o'clock, p.m., the Premier received from the Lieutenant-Governor, through his Aide-de-Camp, the following letter:

GOVERNMENT HOUSE,
QUEBEC, 25th February, 1878.

To the Honorable C. B. DeBoucherville,
Premier of the Province of Quebec.

The Lieutenant-Governor desires the Executive Council to prepare for his consideration a factum, including a copy of the following documents:—

1. A copy of the Acts of the Dominion Parliament authorizing the construction of the railway now known under the name of the "Quebec, Montreal, Ottawa and Occidental Railway," as well as a copy of the Acts of the Legislature of Quebec, respecting the same railway.

2. A copy of the Acts of the Legislature of the Province of Quebec, respecting the construction of the railway between Quebec and Montreal, commonly known as the "North Shore Railway."

3. A copy of the By-laws of each of the Municipal Corporations by which they agreed to assist in the construction of the said road.

4. A statement of the amount of the grant, paid by each of those Corporations, and a copy of the correspondence exchanged between the Government, the Railway Commissioners or the Contractors of the said road and the said Municipal Corporations, with respect to their said grant or subsidy.

5. A copy of the several contracts entered into for the construction of the said road.

6. A copy of the official or confidential reports of the engineers to whom was entrusted the location of these lines of railway, in whole or in part.

7. A copy of the report of the Railway Commissioners, laid before both Houses during the present Session, respecting the said roads.

8. A copy of the representations made to the Government by the Municipal Corporations interested or by the rate-payers of these municipalities, respecting the conditions of their grant or subsidy.

9. A copy of the Resolutions proposed to the Provincial Legislature, during the present Session, respecting the said subsidies, and to facilitate the payment and recovery of the same.

10. A copy of the Bill, based upon the said Resolutions, which was introduced into the House during the present Session.

11. A plan showing the locations of each of the said railways, or of any portion thereof.

12. A detailed statement of the reasons which induced the Provincial Government not to content themselves with the provisions of the statute and common law, and with those of the Civil Code of this Province, for the recovery of the sums of money which might become due by the said Corporations, but, without having in any manner previously consulted with the Lieutenant-Governor, to propose an *ex post facto* legislation to compel them thereto.

Another very important measure, to provide for the imposition of new taxes, was also similarly proposed to the Legislature, without having been previously submitted to the Lieutenant-Governor.

The Lieutenant-Governor is perfectly aware that measures of secondary importance, which have previously been sufficiently explained to him, may be, as a matter of routine, proposed to both Houses, without an express order from himself, but he cannot allow the Executive to communicate to the Legislature, on his behalf, any important or new measures, without his special order, and without his having been previously fully informed and advised thereof.

LUC LETELLIER,
Lieut.-Governor.

The Premier prepared his answer during the night of the 26th and 27th February. This answer was delivered by him, in person, to the Lieutenant-Governor at Spencer Wood, about ten o'clock a.m., on the 27th. It read as follows:—

QUEBEC, 27th February, 1877.

To His Excellency

The Hon. L. LETELLIER DE ST. JUST,
Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY.

I have the honor to acknowledge the receipt of the memorandum sent me yesterday afternoon by Your Excellency, through your Aide-de-Camp, who, at the same time, informed me that you were ill in bed. I submitted this memorandum to the Executive Council, and I shall see, as Your Excellency desires, that all due diligence be used in order that all the documents required may be transmitted to you as soon as possible.

In anticipation of the factum desired by Your Excellency, which will contain a more detailed statement of the motives which induced the Provincial Government to bring in the measures to which you draw my attention, I consider it my duty to represent that the reasons, which, amongst others, caused the Government to submit to the Legislature a law obliging the municipalities to pay their subscriptions, for the construction of the Provincial railway, on the decision of the Lieutenant-Governor in Council, after a sworn report, made by a competent engineer, and after a notice of fifteen days, to give such municipalities an opportunity of being heard,—are the ill-will of certain municipalities; shown by some in their neglect to comply with the requests of the Treasurer, by others in their formal refusal to pay, and in certain cases, by resolutions adopted asking new conditions, respecting the agreements which they had made with the Government.

The Government was of opinion that without such legislation, the object of which is to avoid the delays of ordinary legal proceedings, the result of the ill-will of these municipalities would have been either to necessitate a new loan by the Province, and consequently to cause a burden to be unjustly imposed upon municipalities which had entered into no engagements and which would derive no immediate benefit from the construction of the road, or the complete stoppage of the works already begun, together with the inevitable loss of interest on the enormous capital already laid out upon this enterprise and the other damages resulting therefrom.

The Government, while undertaking, in the first place, by the said law, to fulfil the conditions which it had agreed upon with the said municipalities, considered that, in substituting for the ordinary courts, the Lieutenant-Governor with an Executive Council responsible to the Legislature and to the people, it offered to the parties interested a tribunal which afforded as many guarantees as the ordinary courts. I would also take the liberty of calling Your Excellency's attention to the fact that similar provisions are already in our Statutes. I would cite to Your Excellency chapter 83 of the Consolidated Statutes of Canada, and also chapter 47 of 36 Viet. of the Statutes of Ontario.

I humbly submit to Your Excellency that a law devised for the better securing of the execution of a contract cannot have a retroactive effect. It enacts for the future, and its objects are the respective interests of the parties.

Now, I beg Your Excellency to note that, while you were at Rivière Ouelle, I had the honor of requesting your authorization to lay the question of finances before the House, and that you were kind enough to reply that you sent me a blank form by mail, and I considered this, at the time, as a great mark of confidence on your part. I did, in effect, receive a blank form with your signature, which I handed to the Treasurer, who had it filled up by your Aide-de Camp.

Later on, I had the honour of requesting Your Excellency's authorization generally to lay money questions before the House, and this Your Excellency granted, with your usual condescension. This permission, moreover, had invariably been accorded me by your predecessor, the late lamented Mr. Caron.

I must admit that, with this authorization, and the conviction in my mind that Your Excellency had read the Treasurer's Budget Speech, in which he announced the taxes which were afterwards proposed, I considered I had a right to inform my colleagues that I had your permission for all questions respecting money.

I beg Your Excellency to believe that I never had any intention of arrogating to myself the right of having measures passed without your approval, and that, under existing circumstances, having had occasion to speak to Your Excellency in reference to the law respecting the Provincial railway, and not having received any order to suspend it, I did not think Your Excellency would discover in this measure any intention on my part to slight your prerogatives, which no one is more disposed than I am to respect and uphold.

Your, &c., &c.,

C. B. DEBOUCHERVILLE.

After some conversation, the Lieutenant-Governor, having heard Mr. deBoucherville's explanations, admitted that, if there had been any misunderstanding, it was in good faith on the part of the latter, in authorizing his colleagues to say that they were authorized to submit the legislation in reference to money matters. He afterwards told him, in reply to his question on the subject, that the only difficulty remaining was the question of the Quebec, Montreal, Ottawa and Occidental Railway, and that he would give an answer on the following day, the 28th February.

On the 28th February, at about half-past seven in the evening, Mr. DeBoucherville went to Spencer Wood to convey to the Lieutenant-Governor the documents asked for in the letter of the 25th (which documents were prepared by the Honourable the Secretary, and were accompanied by a synopsis). He asked him if he would soon give his answer. The Lieutenant-Governor told him that he would examine the documents and probably give it to him on the following day, the 1st March.

On leaving, Mr. DeBoucherville said: "If I understand you rightly, you are hesitating between giving your sanction to the Railway Bill and reserving it." He replied, "That is it."

On the 2nd of March, at five minutes to one in the afternoon, the Aide-de-Camp of the Lieutenant-Governor handed to Mr. de Boucherville the letter given hereafter. Before the Aide-de-Camp left, he was asked how His Excellency was. The Aide-de-camp replied that he was not so well, and then asked: when we intended closing the Session. Mr. DeBoucherville replied that he could not say, as many matters were in arrear.

The following is the letter in question:—

GOVERNMENT HOUSE,

QUEBEC, 1st March, 1878.

To the Hon. C. B. DeBoucherville,
Premier, Quebec.

The Lieutenant-Governor, taking into consideration the communication made to him verbally (on the 27th February) by the Premier, and also taking into considera-

tion the letter which the Premier then gave to him, is prepared to admit that there had been no intention on the part of the Premier to slight the prerogatives of the Crown, and that there was only on his part an error, committed in good faith, in the interpretation that he gave to words used by the Lieutenant-Governor, in the interview which they had on the 19th February instant—words which did not imply the authorization attributed to them by the Premier.

With this interpretation and the instructions given in consequence by the Premier to the Honorable Messrs. Angers and Church, these gentlemen did not wittingly do anything against the duties of their office.

As to the blank, which the Lieutenant-Governor addressed to him from Rivière Ouelle, the Lieutenant-Governor knew that such blank was to be used for the purpose of submitting the estimates to the House.

This act was a token of confidence on his part, as stated by the Premier in his letter of the 27th, but it was confidential.

The Lieutenant-Governor deems it his duty to observe that, in his memorandum of the 25th of February last, he in no way expressed the opinion that he thought that the Premier ever had the intention of arrogating to himself the "right" of "having measures passed without his approval, or of slighting the prerogatives of the representative of the Crown."

But the Premier must not lose sight of the fact that, although he had not so intended, the fact remains as he was told by the Lieutenant-Governor.

The fact of having submitted several new and important measures to the Legislature, without having previously, in any manner, consulted the Lieutenant-Governor, although without any intention of slighting his prerogatives, gives rise to one of those false positions which places the representative of the Crown in a difficult and critical situation, with reference to both Houses of the Legislature.

The Lieutenant-Governor cannot admit that the responsibility of this state of things rests upon him.

So far as concerns the Bill intitled, "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway," the Premier cannot apply to the measure the pretended general authorization mentioned by him in his letter, for their interview took place on the 19th February, and the Bill had then been before the House for several days, without the Lieutenant-Governor having been in any manner informed of it by his advisers.

The Lieutenant-Governor then told the Premier how much he regretted such legislation; he represented to him that he considered it to be contrary to the principles of law and justice: notwithstanding this, the measure was pushed on until it was adopted by both Houses.

It is true that the Premier gives, in his letter, as one of his reasons for so acting, "that this permission of making use of the name of the representative of the Crown had been, moreover, always allowed to him by the predecessor of the present Lieutenant-Governor, the late lamented Mr. Caron."

This reason cannot avail with the Lieutenant-Governor, for, by so doing, he would abdicate his position as representative of the Crown,—a proceeding which neither the Lieutenant-Governor nor the Premier could reconcile with the duties of the Lieutenant-Governor towards the Crown.

The Lieutenant-Governor regrets being compelled to state, as he told the Premier, that he has generally not been explicitly informed of the measures adopted by the Cabinet; although the Lieutenant-Governor often gave occasion therefor to the Premier, especially during the course of last year.

The Lieutenant-Governor, from time to time, since the last meeting of the Legislature, drew the attention of the Premier to several matters respecting the interests of the Province of Quebec, amongst others:

1. To the enormous expenditure occasioned by very large subsidies to several railways when the Province was burdened with the construction of the trunk line of railway from Quebec to Ottawa, which should prevail over all others; and that at a time when our finances compelled us to raise loans disproportioned to our revenues.

2. On the necessity of reducing the expenses of the Civil Government and those of legislation, in place of having recourse to new taxes, with a view of avoiding financial embarrassment.

The Lieutenant-Governor, although with regret, expressed to the Premier the opinion that the Orders in Council, for the increase of the salaries of Civil Service employees, seemed to him to be inopportune at a time when the Government had effected with the Bank of Montreal a loan at the rate of 7 per cent. for half a million, on condition of increasing this loan to one million; and, in fact, to-day even (1st March) the Lieutenant-Governor was obliged to allow an Order in Council to be passed to secure the last half million for the Government, without which the Government would be unable to meet its obligations, as stated to him by the Honorable the Treasurer, by order of the Premier.

The Premier did not, either then or since, inform the Lieutenant-Governor that the Government were in so impecunious a position as to require special legislation to increase the public burdens.

The Lieutenant-Governor therefore stated and repeated these facts to the Premier, and now deems it his duty to record them here, in order that they may serve as a memorandum for himself and the Premier.

It results therefore—

1. That, although the Lieutenant-Governor had made several representations, in his quality of representative of the Crown, to the Premier on those various subjects of public interest, his advisers have taken administrative and legislative steps contrary to such representations and without having previously advised him.

2. That the Lieutenant-Governor has, without evil motives, but in fact, been placed in a false position, by being exposed to a conflict with the desires of the Legislature, desires which he acknowledges to be paramount, when expressed in a constitutional manner.

The Lieutenant-Governor has attentively read and examined the memorandum and documents which the Premier was kind enough to bring him yesterday.

In the record are petitions from several Municipal Corporations and from citizens of different localities, addressed to the Lieutenant-Governor, against the resolutions and the Government Bill respecting the Quebec, Montreal, Ottawa and Occidental Railway.

The Lieutenant-Governor was only yesterday in a position to take communication of some of these petitions, inasmuch as they had not been transmitted to him before the Record.

The Lieutenant-Governor, after mature deliberation, cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill, intitled: "An Act relating to the Quebec, Montreal, Ottawa and Occidental Railway."

For all these reasons, therefore, the Lieutenant-Governor cannot conclude this memorandum without expressing to the Premier the regret which he feels in being no longer able to retain him in his position, contrary to the rights and prerogatives of the Crown.

L. LETELLIER,

Lieutenant-Governor.

On the 2nd of March, about two o'clock p.m., Mr. DeBoucherville went to Spencer Wood. When he arrived he was admitted to the presence of the Lieutenant-Governor, and told him "that according to the memorandum received from him that day, he understood that he was dismissed from the office of Premier."

The Lieutenant-Governor told him he was to take his own interpretation from the letter. Upon this, Mr. DeBoucherville handed him the letter, which will be found further on, as being his answer.

The Lieutenant-Governor, without opening it before him, made some remarks on the difficulty in which the legislation had placed him.

Mr. DeBoucherville replied that in his present position he thought he had no opinion to express on the subject. He then bowed himself out. When he had proceeded a short distance from the house he caused the vehicle to return, having forgotten to ask permission from the Lieutenant-Governor to give explanations to the House. After having been a second time admitted to the presence of the Lieutenant-Governor, he asked permission to give explanations and to make known the memorandum of the Lieutenant-Governor and his replies thereto.

The Lieutenant-Governor told him he had no objection, and asked him as to the person he should send for. M. DeBoucherville replied that he looked upon himself—having been dismissed—as being in a different position from a Minister who, although defeated in the House, still retained the confidence of the Sovereign; that he had had a majority of twenty-five in one of the late votes; that, under these circumstances, he did not think he could advise him in the matter. He then left him, and while in the ante-room, the Lieutenant-Governor recalled him and said, "Please delay the explanations until Monday."

The following is a copy of the letter which M. DeBoucherville handed to the Lieutenant-Governor, when the latter told him he was to take his own interpretation of his memorandum.

QUEBEC, 2nd March, 1878.

MAY IT PLEASE YOUR EXCELLENCY :

I have the honor to acknowledge the receipt of your memorandum, in which you come to the conclusion that you cannot retain me in my position as Premier.

I have, therefore, no other duty to perform beyond submitting to my dismissal from office, communicated by Your Excellency, reiterating at the same time my profound respect for the rights and prerogatives of the Crown, and my devotion to the interests of our Province.

I have the honor to be,

Your Excellency's, &c., &c.,

C. B. DEBOUCHERVILLE.

To His Excellency

The Lieutenant-Governor of the
Province of Quebec.

On the 28th January, 1878, M. DeBoucherville had sent to His Excellency the Lieutenant-Governor, who was then at Rivière Ouelle, the following telegraphic despatch:—

"Can you send me authorization resolutions respecting finances?"

The Lieutenant-Governor on the following day, the 29th, telegraphed M. DeBoucherville:—

"Blank mailed to day. If presence necessary, telegraph. Return Friday."

The resolutions respecting the North Shore Railway were submitted to the House only on the 29th January, after the telegram had been received from the Lieutenant-Governor that a form signed in blank had been mailed to M. DeBoucherville in reply to his despatch of the previous day, saying, "Can you send me authorization resolutions respecting finances?"

On the 30th January the first resolution was reported from Committee of the Whole. On the 31st it was adopted by the House. On the 1st February the House again went into Committee of the Whole and reported the other resolutions on the same subject. But it was only on the 5th that the adoption of the report of the Committee was carried, the House throwing out the motion of non-confidence on this point by 38 to 21.

On the 5th February a Bill, based on these resolutions, was introduced; the second reading was delayed until the 18th February; the third reading took place on the 19th. During all this time, the Lieutenant-Governor, to whom the votes and proceedings were sent daily, remained silent.

On the 19th February, Mr. DeBoucherville met the Lieutenant-Governor and, in the conversation which took place on the subject of the measure, thought he had satisfied him as to its legality and the urgency of its being passed. The Lieutenant-Governor was so far from being explicit as to his intentions, that Mr. DeBoucherville left him with the impression that he was authorized.

The Lieutenant-Governor does not contend, in his memorandum of the 1st March, 1878, that he had given orders to suspend the legislation.

Sent up to the Legislative Council, this Bill had gone through its third reading before the first letter was received from the Lieutenant-Governor, dated the 25th February last, but only delivered at 4:30 P.M., on the 26th. In fact, the Lieutenant-Governor, in his letter of the 1st March, admits that he did not, in any way, in his memorandum of the 25th February, express the opinion that he considered the Premier had intended to arrogate to himself the right of getting measures passed without his approval or of slighting the prerogatives of the representative of the Crown.

Having ascertained that a misunderstanding existed as to the interpretation of the authorization asked by telegraphic despatch on the 28th January and answered on the 29th by a message stating that a form signed in blank was sent, and in view of the impressions left by the conversation of the 19th February in Mr. DeBoucherville's mind, should the Lieutenant-Governor have waited to make known, for the first time, the existence of this misunderstanding until the 26th February, at which date the whole of the legislation, of which he complains, had been discussed and voted in the affirmative by both Houses?

The confidence shewn by the Lieutenant-Governor on the 29th January in Mr. DeBoucherville by forwarding the form signed in blank, was calculated to justify him in interpreting the silence of the Lieutenant-Governor at least as not meaning dissent.

After these interviews of the 19th February, the silence observed until the 26th February was also of a nature to lead him to believe that he had a general authorization to submit to the House all measures which the public service required.

On the 31st of January, twenty-six days previous to the first memorandum of the Lieutenant-Governor, the Honorable Treasurer made his budget speech, in which he announced the new taxes which it would be necessary to levy to meet the obligations of the Province, obligations contracted during several previous years and resulting from the policy then inaugurated on railways, and which had received the concurrence of several Members belonging to the party opposing the Government.

Can this speech, published *in extenso* by the press of the whole country have escaped the notice of the Lieutenant-Governor?

On the 19th of February, the resolutions demanding those taxes, but a lower rate than the one mentioned by the Treasurer in his speech, were presented; and on the 20th were adopted by a vote of 39 against 22.

The Lieutenant-Governor in his memorandum of the 1st March, complains that Mr. DeBoucherville did not let him know that the Government was in an impecunious condition, requiring special legislation to increase the public taxes.

The Premier would have formed an erroneous idea of the situation, if he had so qualified the temporary embarrassment caused by the ill will of the municipalities which had subscribed for the construction of the Provincial railway in neglecting to faithfully fulfil their obligations. He would have formed an erroneous idea of the situation, in presence of the results obtained, so far without any burden having been imposed in order to obtain them.

On the 2nd February, notice was given of resolutions respecting railways in the Eastern Townships and on the South Shore of the St. Lawrence.

On the 23rd of the same month the resolutions were introduced and subsequently adopted by a vote of 41 to 16. These resolutions do not in any way increase the actual debt of the province.

The Lieutenant-Governor said in the same memorandum, "That the construction of the railway from Quebec to Ottawa should prevail over that of other railways." The legislation of many years past on this subject establishes no priority in favor of

the Provincial railway to the detriment of railways in the Eastern Townships and on the South Shore. The DeBoucherville Government would have contravened the law if they had adopted any other view of the matter.

In the same memorandum the Lieutenant-Governor declares, "That he cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill, intituled: 'An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway.' This declaration is premature, the Premier never having been called upon to give his opinion as to the sanction to be given; and, if had he been called upon to do so, he would, under the circumstances, have recommended that it be reserved for the decision of the Governor General, being in doubt as to the Lieutenant-Governor having the right, of his own accord, *ex proprio motu*, to exercise the prerogative of veto, and thus to decide finally on the fate of a measure passed by both Houses, when the British North America Act of 1867 seems to leave such power to the Governor General.

The memorandum of His Excellency refers to petitions of several corporations and citizens of different places, addressed to the Lieutenant-Governor, against the resolutions and the measures of the Government concerning the Quebec, Montreal, Ottawa and Occidental Railway.

It is sufficient to consider that these petitions came from debtors, from whom the law intends to force payment, to arrive at the correct conclusion that the opinion of both Houses should prevail over that expressed in such petitions.

The Lieutenant-Governor, in the same memorandum, refers to acts of Administration which date from before the Session, and to which he has given his assent. As he alludes to matters for which the Government is responsible to both Houses, as advisers of the Crown, and as they are foreign to the question of prerogative raised by the Lieutenant-Governor, they cannot be adduced in this memorandum, as reasons for the conclusion, arrived at by His Excellency, that he cannot continue to retain M. DeBoucherville in his position against the rights and prerogatives of the Crown; therefore, to avoid being carried away by this side issue or *hors d'œuvre*, there is no reason to question them now.

The Lieutenant-Governor further expresses the opinion "that the state of our finances forced us to make loans disproportionate to our resources."

The necessity of here repeating this phrase is to be regretted; but the credit of the Province requires that it should be contradicted. [The mere reading of the Budget Speech will suffice to reassure alarmists.

From all the above facts, from admissions contained in the last memorandum of the Lieutenant-Governor, from the transmission of the form signed in blank and sent by him in reply to a request from M. DeBoucherville, asking his authorization to introduce "resolutions respecting finances," and from the silence of the Lieutenant-Governor up to the 26th February last, it results that no measures have been introduced into the House in opposition to the prerogatives of the representative of the Sovereign.

Nothing more remains now for me to do but to reiterate the declaration made in commencing these explanations; the DeBoucherville Cabinet has not resigned; it has been dismissed from office by the Lieutenant-Governor.

The Conservative party is no longer in power. But it is, in this House, the power, a qualified power,—a majority in the Opposition. The majority here, the majority in the Council, the majority in the country. The Conservative party has been dismissed from office; but it stands uncompromised, without compromise, without division,—devoted to the Constitution and to the welfare of the country.

(Signed) A. R. ANGERS,

Ex-Attorney-General,

Member for the Electoral District of Montmorency.'

A Message was received from the Legislative Council agreeing to the following Bills without amendment:—

Bill (No. 83) intituled: "An Act to amend and consolidate the Quebec License Act and its amendments."

Bill (No. 109) intituled: "An Act to further amend the law respecting subsidies in money made to certain Railway Companies."

Bill (No. 48) intituled: "An Act to define and regulate the limits of certain municipalities and parishes in the Counties of Nicolet, Arthabaska and Drummond, and to include, in the County of Nicolet, the portion of these municipalities and parishes not now included therein."

Bill (No. 112) intituled: "An Act to amend the Act 20 Vic., cap. 125, respecting the Quebec North Shore Turnpike Roads."

Bill (No. 108) intituled: "An Act respecting the indemnity [to petty jurors in criminal cases."

Bill (No. 12) intituled: "An Act respecting the proof of Heirships or Legateeships."

Mr. Dupont, seconded by Mr. Lavallée, moved:

That the sum of one hundred dollars, deposited for the Bill (No. 45), intituled: "An Act to incorporate the Beet Sugar Company of the Province of Quebec," be refunded to the promoters of the said Bill.

Which motion was withdrawn, the mover not having obtained the consent of the House.

Mr. Loranger, seconded by Mr. Lynch, moved that the following Address, affirming the privileges and immunities of the House, be presented by Mr. Speaker to His Excellency the Lieutenant-Governor of the Province of Quebec, at the Bar of the Legislative Council, at the prorogation of this Legislature:

To His Excellency the Lieutenant-Governor of the Province of Quebec:

MAY IT PLEASE YOUR EXCELLENCY:

The Legislative Assembly of the Province of Quebec deem it their duty to humbly represent that the Cabinet of which the Honorable Henri Gustave Joly is the chief, was defeated three different times, at the sitting of the eighth of March instant, by majorities varying from twenty to twenty-two votes.

And they regret to state that the Constitution has been disregarded by the advisers of His Excellency to the extent that they persist in retaining power against the will of the majority of this House and of the country.

The Legislative Assembly believes it, moreover, their duty to express their regret that they have been put to the necessity of suspending the passage of the Supply Bill, until justice has been extended to the majority of this House.

The Legislative Assembly desires respectfully to represent to Your Excellency that there exists in the House a political party, possessing the confidence of the country, and having a large majority in the House; that this party is competent to administer the public business, and that the prorogation of the Legislature presently would be prejudicial to the legislation and to the interests of the country.

The Legislative Assembly desires to represent to Your Excellency that the fact of the minority having a control over public affairs is the cause of the embarrassment under which the Province labors, through the suspension of the Supply Bill; and that a prompt solution of the difficulty may be arrived at by acting in conformity with the Constitution.

The Legislative Assembly desires also to represent to Your Excellency, that inasmuch as there exists in the House a political party strong enough to command a large majority, there is no necessity for a dissolution of the Legislature, a step which will cause considerable and useless expense to the Province, and seriously threaten the peace and tranquility of the people of this Province.

And your Petitioners will ever pray.

And objection having been taken that the said motion is contrary to the Constitution and should be considered out of order.

Mr. Speaker ruled :

"That the point of order was raised and decided yesterday."

And appeal having been made from Mr. Speaker's decision.

The question was put and carried in the affirmative on the following division :—

In favor of Mr. Speaker's decision.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Deschenes, Dulao, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Laroche, Lavallée, LeCavalier, Loranger, Lynch, Martin, Mathieu, McGauvran, Picard, Sawyer, St. Cyr, Taillon, Tarte, Thornton and Wurtele.—33.

Against Mr. Speaker's decision.

MM. DeBeaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Molleur, Pâquet, Prefontaine, Rinfret dit Moulin, Shehyn, Sylvestre, and Watts.—1

A Message was received from His Excellency the Lieutenant-Governor, Samuel Staunton Hatt, Esquire, Gentleman Usher of the Black Rod, desiring the attendance of the House in the Legislative Council Chamber.

Accordingly Mr. Speaker, with the Members present went to the Legislative Council Chamber, when His Excellency the Lieutenant-Governor was pleased, in Her Majesty's name, to give the Royal assent to the following Bills, namely :—

An Act to enable the Minister and Trustees of St. Andrew's Church, Montreal, to borrow money and hypothecate the property of said Church.

An Act to declare valid certain sales of moveables belonging to successions.

An Act to further amend the Act respecting Agriculture and Public Works, (32 Vict., cap 15), and the Acts amending the same.

An Act to amend the Act 40 Vict., ch. 23, amending the law respecting Public Instruction as respects the City of Sherbrooke.

An Act to amend the "Act respecting the incorporation of Joint Stock Companies," (31 Vic., Cap. 25.)

An Act respecting the notification for and the attendance at the removal of seals and inventories.

An Act respecting the proof of Heirship.

An Act to provide for the issue of the Writ of injunction in certain cases, and to regulate the procedure in relation thereto.

An Act to amend article 997 of the Code of Civil Procedure, relating to suits against certain corporations.

An Act to authorize the Board of Notaries to admit Louis Thomas Laroche, to the practice of the Notarial Profession.

An Act to annex to the municipality of the Village of Ste. Rose, certain lands situated in the municipality of the Parish of Ste. Rose, in the County of Laval, for all municipal and school purposes.

An Act to authorize the Bar of the Province of Quebec to admit Michael J. F. Quinn to the practice of the profession of advocate.

An Act to amend the Act 32 Vic., cap. 89, intituled: "An Act to incorporate the Protestant Institution for Deaf Mutes and for the Blind."

An Act to incorporate the St. Lawrence, Lower Laurentien and Saguenay Railway Company.

An Act to incorporate the Society of "Union St. Joseph, de Notre Dame de Beauport."

An Act to amend chap. 51 of 37 Victoria, Province of Quebec, intituled: "An Act to revise and consolidate the charter of the City of Montreal, and the various acts which amend the same, in so far as concerns certain property adjoining the Mount Royal Park."

the Consti-

Division :—

neae, Dulao,
(é), Houde
Loranger,
lon, Tarte,

aframboise,
Watts.—1
governor, b
desiring the

Legislative
ased, in Her

a, Montreal,

essions.

Works, (32

eting Public

t Stock Com-

oval of seals

a cases, and to

ating to suits

as Laroche, to

certain lands

Laval, for all

Michael J. F.

ncorporate the

Saguenay Rail-

Notre Dame de

ntituled: "An

nd the various

y adjoining the

An Act to incorporate the Society called "L'Union St. Joseph de Lachine."

An Act to incorporate the Montreal Island Railway Company.

An Act to incorporate "l'Œuvre de Saint Joseph de la Délivrance."

An Act to authorize the sale of immovable property substituted by the late Jean Baptiste Quésnel.

An Act to incorporate the "Cercle Saint Louis" of Three Rivers.

An Act to incorporate "The Quebec Young Men's Christian Association."

An Act to amend the Act respecting the Methodist Church of Canada (38 Vic., chap. 60.)

An Act to incorporate "Le Cercle Catholique de Quebec."

An Act to amend the Act incorporating the City Passenger Railway Company of Montreal, and to cancel the unpaid stock thereof.

An Act to change the name of the Montreal Infant's School Association to that of "The Boys Home of Montreal," and for other purposes.

An Act to authorize the Ministers of the Church calling themselves "The Reformed Episcopal Church of Canada," in the Province of Quebec, to keep registers of baptisms, marriages and burials.

An Act to authorize the Adams Tobacco Company to borrow money.

An Act to incorporate "The Beet Sugar Company of the Province of Quebec,"

An Act to incorporate "L'Union St. Jean Baptiste du Village de Buckingham," in the Parish of St. Grégoire de Nazianze.

An Act to amend the Act of incorporation of the City of Three Rivers. 38 Vic., chap. 76.

An Act to define and regulate the limits of certain municipalities and parishes in the Counties of Nicolet, Arthabaska and Drummond, and to include in the County of Nicolet, the portions of these municipalities and parishes not now included therein.

An Act to incorporate the Orford Nickel and Copper Company.

An Act to legalize certain preliminaries in the incorporation of the "Mutual Fire Insurance Company of the Counties of Shefford and Brome," and to change the name of the said Company.

An Act to amend article 873 of the Code of Civil Procedure.

An Act to amend certain articles of the Municipal Code of the Province of Quebec.

An Act to authorize the executor of the wills of the late William Petry, the elder, and William Petry, the younger, and the curator to the substitution created thereunder, to change certain investments now made.

An Act to amend the Act 31 Vic., chap. 41, incorporating the "Montreal Building Association," by changing the name and extending the powers thereof.

An Act to incorporate "The Chapter of the Cathedral of St. Hyacinthe."

An Act to incorporate "The Sherbrooke Nickel and Phosphate Mining Company."

An Act to amend "The Act incorporating the Trustees of the American Presbyterian Society of Montreal."

An Act to incorporate the municipality of the *Village de St. Louis de Mile End*.

An Act to amend the Acts relating to the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec and Three Rivers, and of the Dioceses of Montreal and St. Hyacinthe.

An Act to incorporate the municipality of the Parish of Côte St. Paul.

An Act to amend the Act respecting Commissioner's Courts for the summary trial of small causes.

An Act to amend chapter 70 of the Consolidated Statutes for Lower Canada, intitled: "An Act respecting Joint Stock Companies for the construction of roads and certain other works."

An Act respecting the sale of lands for the working of mines of phosphate of lime, amending the Act 32 Vic., chap. 11.

An Act to amend the Act of the late Province of Canada, 12 Vic., chap. 137, incorporating "La Communauté des Sœurs de Ste. Croix," in the Parish of St. Laurent, in the District of Montreal, for Educational purposes.

An Act to amend the Act 40 Vic., chap. 26, relating to the Profession of Medicine and Surgery, in the Province of Quebec.

An Act to amend and consolidate the Quebec Licence Act and its amendments.

An Act to provide for the giving notice of sheriff's sales to hypothecary creditors.

An Act to authorize the V. Hudon Cotton Mills Company, Hochelaga, to appoint Trustees to insure its property, for the protection of the holders of the debentures of the said Company, and for other purposes.

An Act respecting the Registers of Civil Status.

An Act to further amend the laws respecting Public Instruction in this Province.

An Act to amend the Act of this Province, 32 Vic., chap. 51, respecting railways.

An Act to amend chapter 69 of the Consolidated Statutes of Lower Canada, respecting building societies in the Province of Quebec.

An Act respecting the Consolidated Railway Fund of this Province (40 Vic., chap. 2.)

An Act to amend Sub-section 31 of Section one, of chapter 75 of the Consolidated Statutes for Lower Canada.

An Act respecting the indemnity to petty jurors in criminal cases.

An Act to further amend the law respecting subsidies in money made to certain railway companies.

An Act to amend the Act 20 Vic., chap. 125, respecting the Quebec North Shore Turnpike Roads.

After which His Excellency the Lieutenant-Governor was pleased to reserve the following Bill for the signification of His Excellency the Governor General's pleasure thereon ;

An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway.

After which His Excellency the Lieutenant-Governor was pleased to close the Third Session, the Third Parliament of the Province of Quebec, with the following speech :

Honorable Gentlemen of the Legislative Council :

Gentlemen of the Legislative Assembly :

Being desirous of ascertaining, in a constitutional manner, the feelings of the people of this Province, regarding the present state of Public Affairs, and the Ministerial changes which have just taken place I have determined upon proroguing the Legislature of this Province, with a view to its dissolution at an early date.

I sincerely entertain the hope that the electors of this Province will, in the choice of their representatives, exhibit as much judgment as patriotism in order to assure peace, prosperity and happiness to the people of this Province.

The Provincial Legislature was then prorogued to Thursday the eleventh day of April next.

LOUIS BEAUBIEN,

Speaker.

Exhibit N

The H
the House
afternoon.

Mr. L
do not now

Resolv
attachment
stitution.

That t
Administra

That t
cannot have

dismissed,
nistration o

of the peop
appointed

majority of
That t

Messrs. W
the draft of

with the sa
And ob

allusion is r
are no docu

And an
order, as tw

Mr. Spe
On the

brought up
Montmorenc

And, on
And a f

out of order
adjourn the

Mr. Spe
"That t

of the Hous
And fur

reference to
Mr. Spe

"That t
And the

ing division

Exhibit No. 4.

No. 40.

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE ASSEMBLY
OF THE PROVINCE OF QUEBEC.

QUEBEC, THURSDAY, 7TH MARCH, 1878.

The Honorable Mr. Angers, seconded by Honorable Mr. Church, moved that the House do now adjourn and that it do stand adjourned until 3 o'clock to-morrow afternoon.

Mr. Lynch, seconded by Mr. Loranger, moved in amendment, that this House do not now adjourn but that it be

Resolved,—That this House desires to reiterate its expression of loyalty and attachment to Her Majesty, Queen Victoria, and its perfect submission to the Constitution.

That this House renews the declaration of its confidence in the DeBoucherville Administration, so often and decidedly expressed during the present Session.

That this House desires firmly and emphatically to declare that it has not and cannot have confidence in any Administration which may be substituted for the one dismissed,—inasmuch as such dismissal occurred whilst the DeBoucherville Administration enjoyed the entire confidence of the large majority of the representatives of the people, in Provincial Legislature assembled; unless such Administration to be appointed be a strong and efficient one, chosen from the party represented by the majority of this House.

That the foregoing resolutions be referred to a Select Committee composed of Messrs. Wurtele, Taillon, Tarte, the mover and the seconder, to prepare and report the draft of an Address to His Excellency the Lieutenant-Governor in conformity with the said resolutions.

And objection having been taken that this motion was not in order, inasmuch as allusion is made to the dismissal of the Members of the Government, and that there are no documents relating to that subject before the House;

And another objection having also been taken that the main motion was not in order, as two days' notice was not given;

Mr. Speaker ruled:

On the first objection: "That the matter is before the House; that it was brought up in the House on the fourth March instant, by the Honorable Member for Montmorency;"

And, on the second objection, "That a motion to adjourn is always in order."

And a further objection having been taken that the motion in amendment was out of order, inasmuch as no motion in amendment can be made to a motion to adjourn the House;

Mr. Speaker ruled:

"That the motion can be made, as we may find similar precedents in the journals of the House of Commons."

And further objection having been taken that the motion in amendment has no reference to the main motion;

Mr. Speaker ruled:

"That he had already given his decision on that objection."

And the motion in amendment having been put, it was agreed to on the following division:

YEAS.

MM. Alley, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschenes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Larochelle, Lavalée, Le Cavalier, Loranger, Lynch, Martin, Mathieu, McGauvran, Peltier, Picard, Sawyer, St. Cyr, Taillon, Tarte, Turcotte and Wurtele.—35.

NAYS.

MM. Bachand, Cameron, Chauveau, DeBeaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Marchand, Mollé, Pâquet, Prefontaine, Rinfret dit Malouin, Shebyn, Sylvestre and Watts.—16.

The question on the main motion, as amended, was then put and carried on the same division.

And objection being taken that this Committee has been named during the sitting of the House, and not having adjourned to allow the Committee to meet, the Committee cannot report;

Mr. Speaker ruled:

"That inasmuch as Committees appointed to draft Addresses in answer to Speeches from the Throne are accustomed to report at once, without suspending the proceedings of the House by adjourning, therefore, the same proceeding can be allowed in this instance."

And appeal having been made from Mr. Speaker's decision,

The question was put and the decision maintained on the following division.

In favor of Mr. Speaker's decision.

MM. Alley, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschenes, Dulac, Dupont, Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Lacerte, Lalonde, Larochelle, Lavalée, Le Cavalier, Loranger, Lynch, Martin, Mathieu, McGauvran, Peltier, Picard, Sawyer, St. Cyr, Taillon, Tarte and Wurtele.—32.

Against Mr. Speaker's decision.

MM. Bachand, Cameron, Chauveau, DeBeaujeu, Fortin (Montmagny), Kennedy, Laberge, Lafontaine, Laframboise, Marchand, Mollé, Pâquet, Prefontaine, Rinfret dit Malouin, Shebyn, Sylvestre, Turcotte and Watts.—18.

Mr. Lynch then reported the draft of an Address to His Excellency the Lieutenant-Governor, and the same being read a second time, on a division, was agreed to, and is as followeth:—

"To His Excellency the Honorable Luc Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

"MAY IT PLEASE YOUR EXCELLENCY:

"We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of Quebec, in Provincial Legislature assembled, 'desire to reiterate the expression of our loyalty and attachment to Her Majesty Queen Victoria,' and our perfect submission to the Constitution.

"We renew the declaration of our confidence in the DeBoucherville Administration, so often and decidedly expressed during the present session.

"We desire firmly and emphatically to declare that we have not and cannot have confidence in any Administration which may be substituted for the one dismissed, inasmuch as such dismissal occurred whilst the DeBoucherville Administration enjoyed the entire confidence of the large majority of the representatives of the

people,
appointed
majority
On 1
Orde
Excellen
And

Exhibit A

DUFFEL
The
an Address
Senate and
Assembly
—on the
GOVERNMENT
OR

Resolved
Governor G
and to His

people, in Provincial Legislature assembled, unless such Administration to be appointed be a strong and efficient one, chosen from the party represented by the majority in this House."

On motion of Mr. Lynch, seconded by Mr. Loranger, it was, on a division

Ordered,—That the said Address be engrossed and that it be presented to His Excellency the Lieutenant-Governor by the Honorable the Speaker of this House.

And the House then adjourned.

LOUIS BEAUBIEN.

Speaker.

Exhibit No. 5.

MESSAGE

FROM

HIS EXCELLENCY THE GOVERNOR GENERAL.

DUFFERIN.

The Governor General transmits to the Senate and House of Commons an Address from the Legislative Council of the Province of Quebec to the Senate and House of Commons; Also, an Address from the Legislative Assembly of the Province of Quebec to the Senate and House of Commons—on the subject of recent Ministerial changes in that Province.

GOVERNMENT HOUSE,

OTTAWA, 22nd March, 1878.

LEGISLATIVE ASSEMBLY,

Friday, 8th March, 1878.

Resolved, That the following Address be presented to His Excellency the Governor General of the Dominion of Canada, to the Senate and Commons of Canada, and to His Excellency the Lieutenant Governor of the Province of Quebec.

Attest,

E. SIMARD,

D. C. L. A.

LEGISLATIVE ASSEMBLY,
Friday, 8th March, 1878.

Resolved, That the said Address be engrossed and signed by Mr. Speaker, and that it be transmitted to His Excellency the Lieutenant-Governor of the Province of Quebec, with prayer that he transmit the same to His Excellency the Governor General of Canada, and that the said Address be also transmitted to the Senate and House of Commons of Canada.

Attest,

E. SIMARD,
D. C. L. A.

To the Honorable the Members of the Senate and of the House of Commons of the Dominion of Canada, in Parliament Assembled.

The humble Address of the Legislative Assembly of the Province of Quebec, respectfully sheweth :—

That it appears from the explanations given by the Honorable M. Angers, and from the official correspondence communicated to this House, that His Excellency the Lieutenant-Governor acknowledges that the Members of the DeBoucherville Cabinet have acted in good faith in the discharge of their duties ;

That His Excellency has allowed the measures submitted by his Government to this House, and to the Legislative Council, to be discussed and voted upon without order on his part to suspend them ;

That, whilst asserting their devotion to our Gracious Sovereign, and their respect towards His Excellency the Lieutenant-Governor of this Province, this House is of opinion :

That the dismissal from office of the DeBoucherville Cabinet has taken place without reason ; constitutes an eminent danger to the existence of responsible government of this Province, and is an abuse of power in contempt of the majority of this House, whose confidence they possessed, and still possess, and is a violation of the liberties and will of the people.

And your petitioners will ever pray.

[L.S.]

LOUIS BEAUBIEN,
*Speaker of the Legislative Assembly
of the Province of Quebec.*

LEGISLATIVE ASSEMBLY,
QUEBEC, 8th March, 1878,

GOVERNMENT HOUSE,
QUEBEC, 18th March, 1878.

SIR,—I have the honor to forward you an Address to the Honorable the Senate and House of Commons of Canada, voted by the Legislative Council of the Province of Quebec, on the 8th instant.

I have the honor to be, Sir,

Your most obedient servant,
L. LETELLIER.

The Hon. R. W. SCOTT,
Secretary of State, Ottawa.

LEGISLATIVE COUNCIL,
Friday, 8th March, 1878.

Resolved, That this Address be engrossed and signed by the Speaker of this House, and transmitted by him to His Excellency the Lieutenant-Governor of the Province of Quebec, with a request that he will transmit it to His Excellency the Governor General of the Dominion of Canada, and to the Senate and House of Commons of Canada.

Attest,

BOUCHER DEBOUCHERVILLE,
Clerk, Legislative Council.

To the Honorable the Senate and House of Commons of the Dominion of Canada.

The humble Address of the Honorable the Legislative Council of the Province of Quebec respectfully sheweth:—

That it appears from explanation given by the Honorable M. DeBoucherville, and from official correspondence communicated to this House, that His Excellency the Lieutenant-Governor acknowledges that the Members of the DeBoucherville Cabinet acted in good faith in the discharge of their duties;

That His Excellency permitted the Bills submitted to this House, and to the Legislative Assembly, to be discussed and voted upon without any order on his part to suspend them;

That, whilst expressing its loyalty and devotion to our Gracious Sovereign, and its respect for the Lieutenant-Governor of this Province, this House is of opinion:

That the dismissal from office of the DeBoucherville Cabinet having taken place without sufficient cause, constitutes an imminent danger to the maintenance of responsible government in this Province, is an abuse of power exercised in contempt of the majority of both Houses whose confidence they possessed, and still possess, and a violation of the rights and will of the people.

HENRY STARNES,

Speaker, Legislative Council.

LEGISLATIVE COUNCIL,

Friday, 8th March, 1878.

MESSAGE

FROM

HIS EXCELLENCY THE GOVERNOR GENERAL.

DUFFERIN.

The Governor General transmits to the Senate and House of Commons a Memorandum from His Honor the Lieutenant-Governor of the Province of Quebec, with accompanying documents, containing explanations in reference to the recent Ministerial changes in that Province.

GOVERNMENT HOUSE,

OTTAWA, 26th March, 1878.

*(Translation.)*GOVERNMENT HOUSE,
QUEBEC, 19th March, 1878.

*To His Excellency The Right Honorable
The Earl of Dufferin, K.P., K.C.B., G.C.M.G.,
Governor General of Canada, Ottawa.*

MY LORD,—The annexed explanatory case which I now address to Your Excellency, will, I am persuaded, have the effect of showing that I have always acted towards M. DeBoucherville and his colleagues with good will, and with every desire of affording to them co-operation during their tenure of office.

What might have tended to produce unfortunate conflicts between myself and my Cabinet was almost invariably smoothed over by my friendly desire to overlook the irregularities which I have noted in the present statement of facts.

I hope, my Lord, that the difficult position which I have been compelled to occupy will be justified, not only because it is constitutional, but also because the conduct of my Cabinet endangered not only the prerogatives of the Crown, but also the most important interests of the people of this Province.

I have the honor to be, my Lord,

Your most obedient servant,

(Signed) L. LETELLIER,

Lieutenant-Governor.

(Translation.)

GOVERNMENT HOUSE,
QUEBEC, 18th March, 1878.

To the Right Honorable
The Earl of Dufferin, K.P., K.C.B.; K.C.M.G.,
Governor General of Canada, Ottawa.

MY LORD,—I have the honor now to submit, for Your Lordship's consideration, documents and details which I could not lay before the public, but from which it would have been more clearly understood that the dismissal of M. DeBoucherville's Cabinet was forced upon me by circumstances.

These details are not contained in the correspondence which I authorized M. DeBoucherville to place before the Houses, and which are hereunto annexed.

From the day that I was, by Your Excellency, raised to the position I occupy at present, all my private relations with the members of my Cabinet, up to the time of their dismissal from office, were, I must admit, generally of an agreeable nature; but in those of an official character with the Premier, I almost invariably felt that I did not enjoy that entire confidence on his part, which is the chief element of a cordial understanding between the Representative of the Crown and his advisers.

After having studied the general state of the affairs of our Province; after having become convinced that legislative and administrative changes were becoming more and more necessary, I decided upon using with moderation, and with the greatest possible discretion, the influence attached to my position, in order to obtain the realization of that which I deemed to be of the greatest advantage to the Province.

I regret to state to Your Excellency that, although M. DeBoucherville did, on most occasions, take my advice in good part, and generally approved of it, he, nevertheless, almost always acted as though he had never received it. Nevertheless,—far from using my authority to obstruct his action in any way, I invariably treated him with great indulgence, as will appear to Your Excellency by the following facts:—

1st. During the Session of 1876, a Bill had been read three times in one of the two branches of the Legislature, and only twice in the other.

This Bill, bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted, was submitted to me by the Premier for my sanction.

In consequence of being left in ignorance of these facts by my advisers, I sanctioned the Bill.

Not long afterwards I was informed of the irregularity, and I immediately spoke of it to the Premier. I made the observation that such an act would entail too serious consequences to allow of its being passed over.

As a favor to him, however, I passed over this instance of irregular legislation, which was then irreparable.

2nd. During the same Session another Bill was submitted to me for my sanction. On examining it, I perceived a blank which had not been filled up, which I pointed out to the Premier in the following letter:—

"(Private.)

"QUEBEC, 27th December, 1876.

"MY DEAR PREMIER,—A Bill (E) which originated in the Council, was passed by the Legislative Assembly without amendment; upon reading it, before adding my certificate of sanction, I noticed that a blank had not been filled up in the seventh line of the sixth section.

"You followed the usual practice in not fixing the amount of the penalty in the Legislative Council; but the matter passed unperceived, or the officers, through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof sheets.

"While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word '*amender*' is in the infinitive mood. I notice this latter inaccuracy, to which I do not attach much importance, only because I discovered another in an Act in which I had to point out to you an omission which I consider fatal.

"Yours very truly,

(Signed)

"L. LETELLIER."

The Premier came to me and said that he regretted the omission; he requested me to give my sanction to the Bill in the state in which it was. The conciliatory spirit which I showed in granting my consent seemed to please him.

3rd. In March, 1877 (*vide* Appendix A), my advisers caused me to make an appointment of an Municipal Councillor for the south ward of the Village of Montmagny, under the pretext that there had been no election, or that if such election had taken place, it was illegal.

The whole of the circumstances connected with this case, I deem it my duty to explain to Your Excellency, on account of the important principle involved therein.

After due personal examination of the petitions and other accompanying documents relating to that election, I called on the Premier, at his own office, to beg of him not to hurry the appointment which he was asked to make of a Municipal Councillor for that locality, before receiving more ample information.

I pointed out to him that it appeared that a municipal election had taken place, and, that in such case, as a principle, the Executive Council should not interfere.

I added that from the moment that a legal, or even an illegal election had taken place, the duty of deciding it rested with the Courts in accordance with the ordinary course of law, of which they are the interpreters.

I then intimated to M. DeBoucherville that I maintained on principle that all matters cognisable by the Judiciary should be invariably left to the Courts, which, from their organization, are better fitted than the Executive to enquire into matters of fact and of evidence, and that I would never allow the substitution of the powers of the Executive for those of the Courts, when the latter had jurisdiction.

The Premier admitted that that opinion and the principles on which I based it were in conformity with his ideas, and necessary for the proper Administration of Justice. He asked me if I would consent to see M. Angers, the Attorney-General, on the subject.

I at once consented, and the Attorney-General was immediately sent for: the facts connected with that election difficulty, and my views regarding them were then communicated to him. He promised that before any appointment should be made by the Lieutenant-Governor, he would make enquiry.

Shortly afterwards he reported to me that he had made an enquiry into the facts of the case, and at his suggestion, I appointed Jules Bélanger to be Councillor.

In the beginning of March, 1877, difficulties and quarrels arose at Montmagny in consequence of that election.

After that appointment those quarrels broke forth afresh in the Municipal Council itself, from which the Councillor whom I had thus been caused to appoint was expelled with violence. That appointment I was recommended to make, notwithstanding the fact that an election had taken place; that it had been held and presided over by the Mayor, that Eugene Fournier had been returned by acclamation, that he had been sworn in according to law, and that, at the very time when the appointment of Jules Bélanger was recommended to me, the person thus elected had in fact taken his seat, had been sworn, and had sat at the said Council, as appears by the Minutes of the Council.

When I afterwards learned these facts, I communicated them to the Premier, whom I requested to prepare a revocation of the appointment which I had thus been caused to make, contrary to the principles above set forth, and the justice of which he had himself admitted.

The Premier answered that the matter was of a very delicate nature, as such a proceeding would be contrary to the recommendation of M. Angers, his Attorney-General; he concluded by saying that he would get him to prepare a report on the subject.

I received that report some days later. After having read it, I again intimated to M. DeBoucherville, that in the interests of peace, and in conformity with the principle that Executive should not be substituted for Judicial power in matters within the province of the latter, I insisted upon the revocation being made.

After waiting several days for an answer, and not having received any from the Premier, I addressed a letter to him, of which the following is a copy:—
 (“*Private and Confidential.*”)

“QUEBEC, 14th March, 1877.

“MY DEAR DEBOUCHERVILLE,—I have not received any answer on the subject of the appointment of a Councillor at Montmagny.

Those who deceived the Government in order to induce me to perform an Executive act in connection with a question which they then knew to be within the Judicial power, do not, in my opinion, deserve consideration which cannot but be injurious to the Government and myself.

The remedy is very simple—rescind the appointment—allow the parties interested to fight it out before the Courts.

Yours very truly,
 (Signed)

L. LETELLIER.”

If, my Lord, I insist upon this latter point, it is to show Your Excellency that the Prime Minister was then perfectly aware of my views on that point, and should not, in consequence, have introduced, during the last Session of our Legislature, any legislative measure or performed any administrative act tending to substitute Executive for Judicial power, without notifying me, and especially without advising me on the subject.

It was easy for the Premier to understand, from my remarks and the frequent conversation which I had with him, that I could not consent to see Her Majesty's subjects despoiled of the right guaranteed to them by Magna Charta, that their property should never be interfered with, except in virtue of a judgment rendered by the tribunals of the country.

4th. On the 19th March, 1877, being on the eve of absenting myself for a few days, I wrote to the Hon. M. Chapeau, and in a postscript I said: “Please oblige me by telling the Premier that if he needs my concurrence, Mr. Gauthier may bring down to me the documents requiring my signature.”

M. DeBoucherville should have understood from that, that if I was ready to give my concurrence, it was on condition of having all documents submitted to me before signing them.

I leave you, my Lord, to judge in what manner my views were interpreted.

5th. Under date of the 6th of November last, I addressed to the Honorable M. DeBoucherville the letter of which the following is a copy:—

“(*Private.*)

QUEBEC, 6th Nov., 1877.

“MY DEAR DEBOUCHERVILLE,—In the last *Official Gazette* were published under my signature, two proclamations which I had not signed.

One was for the summoning of Parliament, which I had reserved in order to confer with you; the other, which I did not even see, appoints a day of Thanksgiving.

These proceedings, the nature of which I shall not characterize, entail, apart from their impropriety, invalidities which you will easily understand.

Yours very truly,
 (Signed)

L. LETELLIER.”

The Hon. C. B. DEBOUCHERVILLE, Premier

The following are the notes which I took of the conversation which I had with M. DeBoucherville on the subject.

"M. DeBoucherville came on the same day he received the letter to tell me that he regretted that the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used, when necessary for any duty of my office, unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me; which M. DeBoucherville assured me would be the course followed in future.

(Signed) L. L."

6th. But my Lord, there is another point still more important, which I cannot any longer refrain from mentioning.

From the conversation which I have held with M. DeBoucherville, there results a fact, which, if it were known, would of itself have sufficiently justified me in believing that he did not possess the confidence of the people of this Province.

On two different occasions, some time after the Session of 1877, I pointed out to him that millions had been voted to aid railways in general, at a time when our finances did not appear to me to be in a condition to warrant, all at once, a lavish expenditure in subsidizing these numerous undertakings, particularly as, apart from that, our credit was so heavily pledged towards the building of the "Quebec, Montreal, Ottawa and Occidental Railway."

He very frankly avowed that these grants, though they were for the development of the Province, had been necessitated by political considerations; that without them, the support of the members whose counties were traversed by those railways would cease to be secured to Government; that there would be no means of having a majority; that those members formed combinations—"Rings"—to control the House.

M. DeBoucherville is not unaware that I thereupon told him that it was better to save the Province than a Government, and that if his Administration was not strong enough to resist those influences, it would be better for him to form a combination of honest and well meaning men, from both sides of the House, rather than submit to the dictation of those "Rings," and to the control of those combinations.

When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those "Rings," when by his legislation he sought to favor them anew during the last Session, without having previously advised with me, had I not the right, as the Representative of my Sovereign, to believe and to be convinced that M. DeBoucherville did not possess a constitutional majority in the Legislative Assembly?

7th. In communicating to both Houses my memoranda of the 25th February and 1st March last, the Premier and Mr. Attorney-General Angers, in violation of their duty, overstepped the authorization which I had given by my letter of the 4th of March last for that purpose. They added to that communication a report of pretended conversations, the correctness of which I contest, and the impropriety of which I maintain.

I shall point out, my Lord, one fact alone to prove that incorrectness and that impropriety. The Hon. Messrs. DeBoucherville and Angers, in their explanations to the two Houses, lay great stress on the telegram which M. DeBoucherville dispatched to me at Rivière Ouelle, to ask my permission to introduce resolutions concerning the finances, and on the blank signature that I sent up in answer to it.

But these gentlemen themselves had that blank signature filled up by my Private Secretary, so as to give to the telegram the meaning which I attributed to it, namely, a request for permission to introduce the supplies. The following is a copy of the Message produced with that blank signature:—

"Mr. Treasurer Church presented a Message from His Excellency the Lieutenant-Governor as follows:—

"L. LETELLIER,—

"The Lieutenant Governor of the Province of Quebec transmits to the Legislative Assembly the Supplementary Estimates for the current year and for the fiscal year ending 30th June, 1879, which, in conformity with the provisions of the 54th Section of the British North America Act, 1867, he recommends to the Legislative Assembly.

"GOVERNMENT HOUSE,

"QUEBEC, 30th January, 1878."

My Ministers never had, by their own admission, any other authorization from me for the introduction of their Railway and Taxation resolutions than the blank signature above mentioned, in which not a word is said of them. Besides which, it will be noticed that the Railway resolutions were introduced on the 29th January, whereas the Message is dated the 30th.

It is for this reason, my Lord, that I bring to your knowledge all the facts and details which are connected with the relations which I have had with M. DeBoucherville and his colleagues.

Were the controversy with me alone, as a private individual, I would abstain from any remonstrance against the injustice of their reflections upon the conduct of the Representative of the Crown, which they have made in violation of their duty; but in this matter the maintenance of the constitution is at stake.

If, without any authority from me, proclamations have been published which I never signed, is it surprising that Messages were communicated in my name to the Houses respecting which I had never been consulted?

It is because, as the Representative of my Sovereign, I have been unjustly and shamefully dragged before the public that I make known to you, my Lord, that, in the performance of my duty as Her Representative, my object has not only been to protect the dignity of my office but to afford to the people of this Province an opportunity of knowing that, under existing circumstances, the exercise of the Royal Prerogative has not been hostile to their constitutional liberties; but that, on the contrary, it has afforded them the means of freely exercising their judgment.

There results, my Lord, from what I have now stated:—

1st. That in general the recommendations which I made to my Cabinet did not receive the consideration which is due to the Representative of the Crown.

2nd. That my name has been used by the members of the Government in the signature of documents which I had never seen.

3rd. That a proclamation summoning the Legislature was published in the *Official Gazette* without my being consulted or informed of it, and before my signature had been attached thereto.

4th. That a like Proclamation fixing a day of Thanksgiving was also published under similar circumstances.

5th. That, although I had intimated to the Premier by my advice, and by my letter of the 14th March, 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the Executive in matters within the jurisdiction of the courts of justice, he thought proper, without my participation and without advising me, to propose to both Houses, in legislating for the "Quebec, Montreal, Ottawa and Occidental Railway," to substitute the power of the Executive for that of the Judiciary.

6th. That, without having advised me, and without having received authorization of any sort whatever from me, the Government of M. DeBoucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, &c., while no Message from me had been asked for this object, nor signed by me to authorize its proposition to the Houses.

7th. That, after its dismissal, the Government of M. DeBoucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day, different from those agreed on between myself and the Premier, at the risk of prejudicing public opinion against the Representative of the Crown.

8th. That at the time of the communication of the causes which rendered necessary the dismissal of the Cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly, both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature, since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communication to both Houses of my memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and of the 2nd and 4th March, instant.

9th. That, therefore the additions and the comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly, were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier.

10th. That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown and to what they had pledged themselves to observe with regard to it, have placed the Lieutenant-Governor under the necessity of bringing under the notice of Your Excellency all the reasons for that dismissal.

I have the honor to be, my Lord,

Your Excellency's most obedient servant,

(Signed)

L. LETELLIER,

Lieutenant-Governor.

APPENDIX A.

(Translation.)

SUMMARY OF OFFICIAL RECORD.

In January, 1877, an election had taken place for the South Ward of the Village of Montmagny. That election having been declared null and void by the Court, it ordered a fresh election, and appointed Eugène Hamond to preside thereat.

On the day fixed, Eugène Hamond refusing to preside, Naz. Bernatchez, Esq., Mayor of the Municipality, the Senior Magistrate present, presided.

The meeting elected Eugène Fournier.

Eugène Hamond wrote to the Lieutenant-Governor that he had not presided at the meeting, without adding, however that there had been no election. He recommended at the same time, that Jules Bélanger be appointed.

Eugène Fournier, elected at the meeting of the 19th February, took the oath of office and took his seat on the 23rd February.

On the 3rd of March, the Attorney-General (M. Angers) recommended the appointment of Jules Bélanger, who was accordingly appointed on the 7th of the same month.

On the 10th of March, Mr. Bernatchez, Mayor of Montmagny, addressed to the Lieutenant Governor a memorial setting forth the facts, and praying that the appointment be cancelled.

On the 15th of March, the Attorney-General made a report, recommending that the appointment of Jules Bélanger be maintained.

On the 27th of March, the Lieutenant-Governor revoked that appointment, on a report of the Government.

(Translation.)

APPENDIX B.

QUEBEC, 4th March, 1878.

The Lieutenant-Governor desires that his two memoranda (of the 25th February and 1st March), addressed to the Hon. M. DeBoucherville, and the answers made to those memoranda by the Hon. M. DeBoucherville (of the 27th February and 3rd March), be not now communicated to both Houses.

That communication, authorized by the Lieutenant-Governor at the request of the Hon. M. DeBoucherville, should be made as soon as the arrangements for the formation of a new Executive Council are completed.

The Hon. M. DeBoucherville may communicate to the Houses that the adjournment from day to day is rendered necessary by the mentioned cause.

(Signed) L. LETELLIER.

To the Hon. C. B. DEBOUCHERVILLE,
Quebec.

(Translation.)

QUEBEC, 4th March, 1878.

YOUR EXCELLENCY,—In conformity with your wish expressed in a letter of to-day's date, I shall withhold, until the formation of a new Executive Council, the explanations I was authorized by Your Excellency to communicate to the Houses.

I have the honor, &c.,

(Signed) C. B. DEBOUCHERVILLE.

(Translation.)

GOVERNMENT HOUSE,
QUEBEC, 25th February, 1878.

The Lieutenant-Governor desires the Executive Council to prepare, for his consideration, a "factum" containing a copy of the following documents, viz:—

1. A copy of the Acts of the Federal Parliament authorizing the construction of the railway now known under the name of "Quebec, Montreal, Ottawa and Occidental," as well as a copy of the Acts of the Legislature of the Province of Quebec respecting the said railway.

2. A copy of the Acts of the Legislature of the Province of Quebec, respecting the building of the railway between Quebec and Montreal, which line is commonly designated by the name of "North Shore Railway."

3. A copy of the by-laws of each of the municipal corporations by which they undertook to help in constructing the said railways.

4. A statement of the amount or the bonus paid by each of those corporations, and a copy of the correspondence between the Government, its Commissioners or the contractors for the said railways, and the aforesaid municipalities, with regard to their bonus or subsidy.

5. A copy of the various contracts entered into for the building of those several roads.

6. A copy of the official or confidential reports of the Engineers who have been ordered to locate those lines of railway in whole or in part.

7. A copy of the report of the Railway Commissioners submitted to the Houses, during the present Session, with regard to the said railways.

8. A copy of the representations made to the Government by the municipal bodies so interested, or the ratepayers of those municipalities, with regard to the conditions of their bonus or subsidy.

9. A copy of the resolutions which have been proposed to the Provincial Legislature during the present Session, with regard to the aforesaid subsidies, and to facilitate the payment and collection thereof.

10. A copy of the Bill based on those resolutions which has been introduced in the Legislature of Quebec during the present Session.

11. A plan showing the several locatings of each of the said railways or of any part of them.

12. A statement of the reasons which led the Provincial Government not to be satisfied with the provisions of the statutory and public law, and of the Civil Code of this Province for the recovery of any sums of money which may be due by those corporations, but, without previously advising in any way with the Lieutenant-Governor, to propose *ex post facto* legislation, to compel them to pay.

Another very important Bill, to make provision for levying new taxes, has also been proposed to the Legislature, without having been previously submitted for the consideration of the Lieutenant-Governor.

The Lieutenant-Governor quite understands that propositions of secondary importance, and on which he has been previously officially informed, may be, as matter of routine, proposed to the Houses, without a special order from himself; but he cannot in any way permit that the Executive should make communications in his name to the Legislature, with regard to measures which are of a new and important character, without his special authorization, and without his having been previously fully informed and advised in respect thereof.

(Signed) L. LETELLIER,
Lieutenant-Governor.

(Translation.)

QUEBEC, 27th February, 1878.

To His Excellency the Lieutenant-Governor
of the Province of Quebec.

YOUR EXCELLENCY,—I have the honor to acknowledge receipt of the memorandum which your Excellency caused to be handed me yesterday afternoon by your Aide-de-Camp, who informed me at the same time that you were ill in bed.

I have submitted that memorandum to the Executive Council, and will see, as your Excellency desires, that diligence is used to cause all the documents asked for to be transmitted to you as soon as possible.

Anticipating the factum which your Excellency wishes to have, and which will contain a more detailed statement of the motives which have induced the Provincial Government to propose the measures to which you draw my attention, I deem it my duty to represent to you:

That, amongst others, the reasons which led the Government to submit to the Legislature a law compelling the municipalities to pay their subscriptions towards building the Provincial Railway, on the decision of the Lieutenant-Governor in Council, under a sworn report of a competent engineer, and after a fifteen days' notice, to give those municipalities an opportunity of being heard, are the manifestations of bad faith of certain municipalities, shown in certain cases by their neglect to respond to the calls of the Treasurer, in others by their formal refusal to pay, and in certain cases by resolutions adopted demanding new conditions in respect to the agreements they had entered into with the Government.

The Government believed that, without such legislation, the object of which is to avoid the slowness of ordinary judicial proceedings, the result of the bad faith of the municipalities would have been either to necessitate a new loan by the Province, and therefore an unjust charge upon municipalities who had entered into no agreement, and who are to derive no immediate advantage from the construction of the road, or to put a complete stop to the works begun, with the inevitable loss of the interest on the enormous capital already invested in the enterprise, and the other damages which would result. The Government, firstly obliging itself by that law to fulfil the conditions agreed upon with those municipalities, believed that in substituting for the ordinary Courts, the Lieutenant-Governor with an Executive

Council, responsible to the Legislature and to the people, they were offering to parties interested, a tribunal which insured them as many guarantees as the ordinary Courts.

I would further bring under your Excellency's notice that provisions of a similar nature to this legislation exist already in our Statutes. I may cite to your Excellency Cap. 83 of the Consolidated Statutes of Canada, and also Cap. 47 of 36 Vict. of the Statutes of Ontario.

I respectfully submit to your Excellency that a law framed to better assure the execution of a contract cannot produce a retroactive effect; it enacts for the future, and has for its end the respective interests of both parties.

I would now beg your Excellency to observe that while you were at Rivière Ouelle, I had the honor to ask your authority to put the question of finance before the House, and that you kindly answered, stating you were forwarding through the mail a blank, which act I took at that time as a great mark of confidence on your part. I received, in fact, a blank, with your signature, and I gave it to the Treasurer, who had it filled up by your Aide-de-Camp. Later I had the honor to ask your Excellency for a general permission to submit to the House measures concerning money matters, which your Excellency gave me with your ordinary courtesy.

That permission I may say, had always been granted me by your predecessor, the lamented Mr. Caron. I must admit that with that permission and being convinced your Excellency had read the Treasurer's speech, in which he announced the taxation subsequently proposed, I considered myself authorized to tell my colleagues that I had your permission for all money measures.

I beg your Excellency to believe that I never had the intention of assuming the right of having measures passed without your approbation, and that in this case, having had occasion to confer with you with regard to the law respecting the Provincial Railway, and not having orders to suspend it, I did not think your Excellency would see in that measure any intention on my part of disregarding your prerogatives, which nobody is more disposed to respect and uphold than myself.

I have the honor, &c., &c.,

(Signed)

C. B. DEBOUCHERVILLE.

(Translation)

GOVERNMENT HOUSE,
QUEBEC, 1st March, 1878.

To the Hon. C. B. DEBOUCHERVILLE,
Prime Minister, Quebec.

The Lieutenant-Governor, taking into consideration what the Prime Minister communicated to him verbally (27th Feb.), and taking into consideration the letter which the Premier then handed to him, is ready to admit that there was no intention on the part of the Premier to disregard the prerogatives of the Crown, and that there has been on his part only an error committed in good faith, in interpreting as he did the words of the Lieutenant-Governor in their interview of the 19th February instant, words which did not convey the sense of authorization which the Premier attached to them.

With such an interpretation, and the instructions which were in consequence given by the Premier to the Hon. Messrs. Angers and Church, those gentlemen have done nothing, knowingly, not in conformity with the duties of their office.

As to the blank which the Lieutenant-Governor sent him from Rivière Ouelle, the Lieutenant-Governor knew that that blank would be used to lay the Estimates before the House.

That act was a mark of confidence on his part, as the Premier characterises it in his letter of the 27th; but that act was confidential.

The Lieutenant-Governor deems it right to observe that, in his memorandum of the 25th Feb. inst., he in no way expressed the opinion that he believed that the

Premier ever had the intention of taking upon himself the right "of having measures passed without his approbation, or of disregarding the prerogatives of the Representative of the Crown."

But the Prime Minister cannot lose sight of the fact that although there was no intention on his part, in fact the thing exists, as the Lieutenant-Governor told him.

The fact of having proposed to the Houses several new and important measures without having previously in any way advised the Lieutenant-Governor thereof, although the intention of disregarding his prerogatives did not exist, does not the less constitute one of those false positions which places the Representative of the Crown in a critical and difficult position with regard to the two Houses of the Legislature.

The Lieutenant-Governor cannot admit that the responsibility of this state of affairs should rest with him.

With regard to the Bill intituled: "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway," the Premier cannot claim for that measure the asserted general authorization which he mentions in his letter, for their interview was on the 19th February, and that Bill was before the Legislature several days before that date, without the Lieutenant-Governor having been, in any way, informed of it by his advisers.

The Lieutenant-Governor expressed, at the time, to the Premier, how much he regretted that legislation; he represented to him that he considered it contrary to the principles of law and justice; notwithstanding that, the measure was carried through both Houses until adopted.

It is true that the Premier gives in his letter, as one of the reasons for acting as he did, "that this permission of using the name of the Representative of the Crown, had, besides, always been granted him by the predecessor of the present Lieutenant-Governor, the lamented Mr. Caron."

This reason cannot be one for the Lieutenant-Governor; for in so acting he would have abdicated his position as Representative of the Crown, which act neither the Lieutenant-Governor nor the Premier could reconcile with the obligations of the Lieutenant-Governor towards the Crown.

The Lieutenant-Governor regrets having to state, as he told the Premier, that he has not been informed, in general, in an explicit manner, of the measures adopted by the Cabinet, although the Lieutenant-Governor had often given the Premier an opportunity to do so, especially during last year.

From time to time, since the last Session of the Legislature, the Lieutenant-Governor has drawn the attention of the Premier to several subjects regarding the interests of the Province of Quebec, among others: 1st. The enormous expenditure occasioned by very large subsidies to several railways, while the Province was burdened with the construction of the great railway from Quebec to Ottawa, which should take precedence of the others; and this, when the state of our finances obliged us to undertake loans disproportioned to our revenue.

2nd. The necessity of reducing the expenses of the civil government, and of the Legislature, instead of having recourse to new taxes, in view of avoiding financial embarrassment.

The Lieutenant-Governor expressed also, but with regret, to the Premier, that the Orders passed in Council to increase the salaries of Civil Service servants, seemed to him inopportune, at a time when the Government were negotiating with the Bank of Montreal a loan of half a million, with power to increase that loan to \$1,000,000, at a rate of interest of 7 per cent.; and indeed, even to-day (1st of March) the Lieutenant-Governor is obliged to allow that an Order in Council be passed to obtain the last half million for the Government, without which the Government would be unable to meet its obligations, as I was informed by the Hon. the Provincial Treasurer to-day, by order of the Prime Minister.

The Premier did not let the Lieutenant-Governor know, then, or since, that the Government were in such a state of penury as to necessitate special legislation to increase public taxation.

Then
and he de
himself a

It t
many rec
on these
administ
having p
2nd.
in fact, in
Legislatur
is expres

The
and docu
Then
citizens o
tions and
Occident

The
these peti
in the rec
The
advice of
"An Act

For a
without
continue t
Crown.

(Translat

YOUR
randum, in
tain me in
but to sub
declaring
Crown, an

To His Ex
of

Therefore the Lieutenant-Governor said and repeated these things to the Premier, and he deems it advisable to record them here, that they may serve as memoranda for himself and for the Premier.

It therefore results: 1st. That although the Lieutenant-Governor has made many recommendations, in his position as Representative of the Crown, to the Premier, on these different subjects of public interest, his advisers have undertaken a course of administrative and legislative acts, contrary to these recommendations, and without having previously advised with him.

2nd. That the Lieutenant-Governor has been placed, without evil intention, but in fact, in a false position, by being exposed to a conflict with the will of the Legislature, which he recognises as being, in all cases, supreme, so long as that will is expressed in all constitutional ways.

The Lieutenant-Governor has read and examined carefully the memorandum and documents which the Premier was kind enough to bring him yesterday.

There are, in the record, petitions from several municipal corporations and from citizens of different places, addressed to the Lieutenant-Governor, against the resolutions and the Government Bill, with regard to the "Quebec, Montreal, Ottawa and Occidental Railway."

The Lieutenant-Governor was only yesterday able to take cognizance of some of these petitions, as they had not been communicated to him before he received them in the record.

The Lieutenant-Governor, after having maturely deliberated, cannot accept the advice of the Premier with regard to the sanctioning of the Railway Bill intitled: "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway."

For all these causes the Lieutenant-Governor cannot conclude this memorandum without expressing to the Premier the regret he feels at being no longer able to continue to retain him in his position, contrary to the rights and privileges of the Crown.

(Signed) L. LETELLIER.

(Translation.)

QUEBEC, 2nd March, 1878.

YOUR EXCELLENCY,—I have the honor to acknowledge the receipt of your memorandum, in which you come to the conclusion that you can no longer continue to retain me in my position as Prime Minister. There is no other duty for me to fulfil but to submit to the dismissal from office, which your Excellency has notified me of, declaring at the same time my profound respect for the rights and privileges of the Crown, and my devotion to the interests of our Province.

I have the honor, &c.,

(Signed) C. B. DEBOUCHERVILLE.

To His Excellency the Lieutenant-Governor
of the Province of Quebec.

MESSAGE

Exhibit No. 6.

FROM

HIS EXCELLENCY THE GOVERNOR GENERAL

DUFFERIN.

The Governor General transmits to the House of Commons a letter from the Hon. C. B. DeBoucherville, having reference to recent Ministerial changes in the Province of Quebec.

GOVERNMENT HOUSE,

OTTAWA, 8th April, 1878.

OTTAWA, 3rd April, 1878.

SIR,—I have the honor to inform, through you, His Excellency the Governor General that I have this day transmitted to the Hon. the Secretary of State of Canada a letter or memorandum with annexed document, addressed to His Excellency with request that it may be put in His Excellency's hands, and that His Excellency the Governor General may be pleased to lay that letter and annexed document before both Houses of Parliament.

My letter or memorandum being an explanation of the charges brought against me and my colleagues by the Lieutenant-Governor of Quebec, I believe that it is due to me and my colleagues that our explanations may be communicated to both Houses of Parliament in the same way that the Lieutenant-Governor's memorandum was communicated to them.

I have, therefore, to respectfully reiterate my request,

(Signed)

And remain, Sir, &c.,
C. B. DEBOUCHERVILLE,
M. L. C.

Hon. COL. LITTLETON, &c.,
Ottawa.

(Copy)

OTTAWA, 3rd April, 1878.

SIR,—I have the honor to transmit herewith a letter, with annexed document, addressed to His Excellency the Governor General. I have the honor to request, through you, His Excellency to be kind enough to lay the above-mentioned letter and documents before both Houses of Parliament.

I have the honor to be, Sir,

Your most obedient and humble Servant,
(Signed) C. B. DEBOUCHERVILLE,
M. L. C.

The Honorable R. W. SCOTT,
Secretary of State, Ottawa.

*To His Excellency the Right Honorable the Earl of Dufferin, K.P., K.C.B., G.C.M.G.,
Governor General of Canada, Ottawa.*

OTTAWA, April 2nd, 1878.

MY LORD,—The "explanatory case" addressed to Your Excellency by His Honor M. Letellier, and accompanying the documents and details which related to my recent dismissal from office, and by you transmitted to the Senate and House of Commons, containing as it does statements of facts, the accuracy of which I respectfully deny, imposes upon me the duty of submitting for your information and consideration the following:

As Your Excellency is doubtless aware, M. Angers laid upon the table of the Legislative Assembly on the 8th of March last, copies of the correspondence and explanations by him made at my request relating to the dismissal from office of the DeBoucherville Government. This correspondence and explanations, with some comments of his own, are contained in the copy of the Votes and Proceedings of that House of the 9th March, and I respectfully beg to be permitted to annex them as forming part hereof. I beg, however, to add to these explanations of M. Angers a few words upon two subjects, viz:—

In the memorandum which I had the honor to address to His Honor M. Letellier, under date 27th February, I said:—"Later I had the honor to ask your Excellency for a general permission to submit to the House measures concerning money matters, which your Excellency gave me with your ordinary courtesy. This permission, I may say, had always been granted me by your predecessor, the lamented M. Caron."

I do not think that the meaning of these phrases is correctly rendered in the paragraph in His Honor's letter to me, under date the 1st March, wherein he says:—

"It is true that the Premier gives in his letter as one of the reasons for acting as he did, that this permission of using the name of the Representative of the Crown had always been granted him by the predecessor of the present Lieutenant-Governor, the lamented M. Caron."

"This reason cannot be one for the Lieutenant-Governor; for in so acting, he would have abdicated his position as Representative of the Crown, which act neither the Lieutenant-Governor nor the Premier could reconcile with the obligation of the Lieutenant-Governor to the Crown."

It is manifest that I desired to say, and that, in fact, I did say, that the late M. Caron had given me that authority for money matters only.

My Lord, I respect too highly the memory of that virtuous and distinguished statesman, to allow any such misinterpretation of my meaning to pass unchallenged, by which I am made to intimate that the deceased M. Caron had abdicated to me his position as the Representative of the Crown. Every person who knew the late M. Caron and his high legal and constitutional attainments, will share with me my regretful surprise, that any such imputation should be cast upon his memory.

2nd. That, not having kept any memorandum of such conversations as I had with the Lieutenant-Governor, except those which took place since the 25th February last, I have no remarks to make upon the paragraph, wherein it is stated:—

"The Premier did not let the Governor know, then or since, that the Government was in such a state of penury as to necessitate special legislation to increase public taxation," unless it be that this statement does not seem to me to accord with a preceding paragraph, wherein it is stated that the Lieutenant-Governor drew my attention "to the necessity of reducing the expenses of Government and of the Legislature, instead of having recourse to new taxes in view of avoiding financial embarrassment."

I acknowledge that I never did inform the Governor that the Province was in a state of penury, simply because I was convinced of the contrary.

"The Lieutenant-Governor expressed also, but with regret, to the Premier, that the Orders passed in Council to increase the salaries of Civil Service servants seemed to him inopportune."

Upon this matter I merely desire to remark that these Orders in Council were authorized by a law passed during the Session of 1876.

I propose now, my Lord, to deal with the specific allegations made against me by His Honor M. Letellier, in his explanatory case, and, for convenience sake, I take the liberty to quote from His Honor's memorandum:—

1st. "During the Session of 1876, a Bill had been read three times in one of the two branches of the Legislature, and only twice in the other.

"This Bill, bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted, was submitted to me by the Premier for my sanction.

"In consequence of being left in ignorance of these facts by my advisers, I sanctioned the Bill.

"Not long afterwards I was informed of the irregularity, and I immediately spoke of it to the Premier. I made the observation that such an Act would entail too serious consequences to allow of its being passed over.

"As a favor to him, however, I passed over this instance of irregular legislation, which was then irreparable."

In relation to this the facts will furnish a sufficient answer. The Act in question was a Bill entitled: "An Act to authorize the formation of Societies for the improvement of country roads, and for the destruction of noxious weeds in the Province of Quebec." It was introduced in the Legislative Council, duly passed that House, and was sent down to the Legislative Assembly for its concurrence.

Apparently in the hurry of the last hours of the Session, after it had been read twice, the Clerk, by mistake, certified it as passed without amendment, and it was thus sent back to the Legislative Council. His Honor came down on the following day to prorogue the Legislature, and his assent was given to this Bill along with others. The error was immediately discovered by the Attorney-General, who made a report for transmission to Ottawa stating the error, and suggesting that the Act should be disallowed. The Hon. Mr. Blake, then Minister of Justice, reported in reply that this was unnecessary, that the Act, not having received all its stages, was but blank paper, and as a consequence it was not printed in the Statutes. In view of this fact, it is difficult to understand the statement of His Honor the Lieutenant-Governor that, "as a favor" to me, he "passed over this instance of irregular legislation, which was then irreparable."

2nd. "During the same Session another Bill was submitted to me for my sanction. On examining it I perceived a blank which had not been filled up, which I pointed out to the Premier in the following letter:—

"(Private.)

"QUEBEC, 27th December, 1876.

"MY DEAR PREMIER,—A Bill (E) which originated in the Council, was passed by the Legislative Assembly without amendment; upon reading it before adding my certificate of sanction, I noticed that a blank had not been filled up in the seventh line of the sixth section.

"You followed the usual practice in not fixing the amount of the penalty in the Legislative Council, but the matter passed unperceived, or the officers, through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof-sheets.

"While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word 'amender' is in the infinite mood. I notice this latter inaccuracy, to which I do not attach much importance, only because I discovered another in an Act in which I had to point out to you an omission which I consider fatal.

"Yours very truly,

"(Signed)

L. LETELLIER.

"The Premier came to me and said that he regretted the omission; he requested me to give my sanction to the Bill in the state in which it was. The conciliatory spirit which I showed in granting my consent seemed to please him."

In relation to this I have to say that the Act in question was "An Act to provide for the safety and protection of the public in theatres, edifices and public halls." As stated, it was passed first in the Legislative Council, where the blank, being the amount of the penalty, could not be inserted. By inadvertence it passed the Legislative Assembly in the same form. After its passage the omission was discovered and a short Bill was introduced to remedy it. The Act in which the omission occurred is numbered 19, and the Act supplying the omission is numbered 20, of the Statutes of 1876, and both were sanctioned by His Honor the Lieutenant-Governor at the same time.

3rd. "In March, 1877 (*vide* Appendix A), my advisers caused me to make an appointment of a Municipal Councillor for the South Ward of the Village of Montmagny, under the pretext that there had been no election, or that if such election had taken place it was illegal," &c.

As to the third complaint of His Honor, it is difficult to understand, seeing that it had no relation to the dismissal of myself and my colleagues, why it is introduced. Whether wisely or not, the Municipal Code of the Province of Quebec provides that, in a certain contingency, the Lieutenant-Governor of the Province shall appoint a Councillor. In the opinion of the Law Adviser of His Honor, upon a petition sent in from the Village of Montmagny, that contingency had arisen, and he made a report recommending an appointment. That report was approved, and the appointment made by His Honor. Subsequently other information was received, which induced His Honor to urge the revocation of the appointment, and out of deference to him, while seeing no reason to change its opinion, the Government yielded, and the appointment was cancelled.

4th. "On the 19th March, 1877, being on the eve of absenting myself for a few days, I wrote to the Hon. M. Chapleau, and in a postscript I said: 'Please oblige me by telling the Premier that if he needs my concurrence, M. Gauthier may bring down to me the documents requiring my signature.'

"M. DeBoucherville should have understood from that, that if I was ready to give him my concurrence, it was on condition of having all documents submitted to me before signing them."

"I leave you, my Lord, to judge in what manner my views were interpreted."

It would seem somewhat remarkable that a statement to which His Honor appears to attach so much importance should have appeared as a postscript to what I have reason to believe was a private letter, in no sense relating to public business. I may say, however, that a reference to dates will shew that the documents referred to had relation to the Montmagny Councillorship, which was at the time a subject of discussion, and was not intended to have, and had not any such significance as that attempted now to be attached to it.

5th. "Under date of the 6th of November last, I addressed to the Honorable M. DeBoucherville, the letter of which the following is a copy:—

"(Private.)

QUEBEC, 6th November, 1877.

"MY DEAR DEBOUCHERVILLE,—In the last *Official Gazette* were published over my signature two proclamations which I had not signed.

"One was for the summoning of Parliament, which I had reserved in order to confer with you; the other, which I did not even see, appoints a day of Thanksgiving.

"These proceedings, the nature of which I shall not characterize, are productive, apart from their impropriety, of nullities of which you will easily understand.

"Yours very truly,

"(Signed)

L. LETELLIER."

"The Honorable C. B. DeBoucherville,
Premier.

The following are the notes which I took of the conversation which I had with M. DeBoucherville on the subject:—

"M. DeBoucherville came on the same day he received the letter, to tell me that he regretted that the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used, when necessary, for any duty of my office, unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me, which M. DeBoucherville assured me would be the course followed in future.

"(Signed) L. L."

It is a sufficient answer to this complaint, to say that the proclamation for the summoning of the Legislature for the despatch of business, was not published until the 24th November, and it could not, therefore, be that proclamation to which His Honor referred in his letter of the 6th November. The proclamation to which he refers was the mere formal one by which the meeting of the Legislature is further postponed from time to time; and I am informed that the Order in Council for the particular proclamation to which His Honor referred was signed by him, and is of record, so signed, with the proper officer.

As to the proclamation fixing a day of Thanksgiving, I have to remark that this was the result of a communication from the Premier of Canada, the Honorable Alexander Mackenzie, to the Lieutenant-Governor, and handed to me by His Honor with the request that I would carry out the suggestion. It will appear sufficiently strange under these circumstances, that I should be accused of acting without his knowledge, even if the clerical duty of obtaining his signature had been omitted. I am informed, however, that in this case also, the Order in Council, as well as the Proclamation, were signed by His Honor, and are of record, bearing his signature, in the office of the proper officer.

6th. "But, my Lord, there is another point still more important, which I cannot any longer refrain from mentioning.

"From the conversations which I have held with M. DeBoucherville, there results a fact, which, if it were known, would of itself have sufficiently justified me in believing that he did not possess the confidence of the people of this Province.

"On two occasions, sometime after the Session of 1876, I pointed out to him that millions had been voted to aid railways in general, at a time when our finances did not appear to me in a condition to warrant all at once a lavish expenditure in subsidizing these numerous undertakings, particularly as, apart from that, our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa and Occidental Railway.

"He very frankly avowed that these grants, though they were for the development of the Province, had been necessitated by political considerations; that without them, the support of the Members whose counties were traversed by those Railways, would cease to be secured to Government; that there would be no means of having a majority; that the Members formed combinations—'Rings'—to control the House.

"M. DeBoucherville is not unaware that I thereupon told him that it was better to save the Province than a government, and that if his Administration was not strong enough to resist those influences, it would be better for him to form a combination of honest and well-meaning men, from both sides of the House, rather than submit to the dictation of those 'Rings,' and to the control of those combinations.

"When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those 'Rings'; when by his legislation he sought to favor them anew during the last Session, without having previously advised with me, had I not the right, as the Representative of my Sovereign, to believe and to be convinced that M. DeBoucherville did not possess a constitutional majority in the Legislative Assembly?"

I have no desire to enter into a discussion as to the precise conversations that may have taken place between His Honor and myself, in the frequent intercourse

which v
"that I
while I

I t
increase
Several
in the g
The Ge
lation v
is, there
Honor i
request
the Nor
real, Ot
Govern
was resi
aid rail
the buil
contrary
debt or

In
subsidy
was und
was con
subsidy
the Leg

In
used the
impetus
During
adopted,
its final
assented

7th.
and 1st
their du
4th of M
pretended
which I

As t
can hard
pondence
form of e
a dismiss
the major
make the
zation, of
ized, and
were acce

To su
"1st
not receiv

As re
not to be
of the Mo
deference

which we had together; but, I submit as my answer to this most serious imputation, "that I confessed to being controlled by 'Rings,'" in relation to the railway legislation, while I was the leader of the Provincial Government, the following facts:—

I took office in 1874. In the Session following, a measure was introduced to increase the subsidies granted by previous legislation to a number of railways. Several amendments were moved to the resolutions, all of them looking to an increase in the grants, and for these, the Opposition, under the leadership of Mr. Joly, voted. The General Elections took place subsequent to that Session, and, whether the legislation was good or bad, it was sustained by a very large majority of the people, and is, therefore, no longer a proper subject of discussion in the connection in which His Honor introduced it. At the first Session after the elections, the Government, at the request of the Municipalities of Montreal and Quebec, assumed the task of constructing the North Shore and Northern Colonization Railways, now known as the "Quebec, Montreal, Ottawa and Occidental Railway." Great pressure was brought to bear upon the Government to increase the subsidies to the other roads at that time, but this pressure was resisted. As a matter of fact it is not true that "millions have been voted to aid railways in general," at a time when "our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa and Occidental Railway." On the contrary, since our credit became so pledged, not one dollar has been added to the debt or liabilities of this Province on account of those "railways in general."

In the Session of 1876 a measure was introduced authorizing a portion of the subsidy on some of these railways, from the unbuilt portion, to be used on that which was under construction to enable them to be carried to particular points, which it was considered important to the public interests should be reached, and a lapsed subsidy of \$200,000 was divided among other roads of a similar class, the Bill passing the Legislature without division.

In relation to this Act, His Honor M. Letellier, in proroguing the Legislature, used these words:—"I trust that the result of your labors will be to give a new impetus to the great improvements which have been undertaken in this Province." During the last Session this process of "doubling up" of the subsidy was again adopted, but without adding to the public liability. This Act was carried through its final stages in the Legislative Council, after the change of Government, and was assented to by His Honor the Lieutenant-Governor.

7th. "In communicating to both Houses my memoranda of the 25th February and 1st March last, the Premier and Mr. Attorney-General Angers, in violation of their duty, overstepped the authorization which I had given by my letter of the 4th of March last for that purpose. They added to that communication a report of pretended conversations, the correctness of which I contest, and the impropriety of which I maintain, &c."

As this relates to what occurred after the dismissal of the late Government, it can hardly be held to justify that dismissal. It is sufficient to refer to the correspondence, which shows that there was no stipulation on my part as to the precise form of explanations to be made to the House; and in view of the fact that we were a dismissed Ministry, I must claim that we had a duty, not only to ourselves, but to the majority of the representatives of the people whose confidence we enjoyed, to make the explanations as full as possible. As to the introduction, without authorization, of the Railway and Finance Bills, I conceived myself to have been fully authorized, and the explanations which I offered to His Honor on this point, and which were accepted by him, do not require to be repeated.

To sum up after the manner of His Honor:—

"1st. That in general the recommendations which I made to my Cabinet did not receive the consideration which is due to the Representative of the Crown."

As responsible Ministers, we considered it to be our duty to advise His Honor not to be bound to act upon advice from him. At the same time, as is seen in the case of the Montmagny Councillorship, we were disposed, as far as possible, to pay proper deference to his views and wishes.

"2nd. That my name has been used by the Members of the Government in the signature of documents which I had never seen."

I have simply to say that I know of no such case, unless it refers to the Proclamations mentioned in the "Explanatory case," and the answer on that point is sufficiently distinct.

"3rd. That a Proclamation summoning the Legislature was published in the *Official Gazette* without my being consulted or informed of it, and before my signature had been attached thereto."

No Proclamation summoning the Legislature was so published, without the knowledge and signature of His Honor, and the Legislature was in fact not summoned for the dispatch of business for nearly three weeks after His Honor's letter of complaint on the subject.

"4th. That a like Proclamation fixing a day of Thanksgiving was also published under similar circumstances."

The Thanksgiving day was fixed at the request of His Honor himself, and the Order in Council fixing it was signed by him.

"5th and 6th. That, although I had intimated to the Premier by my advice, and by my letter of the 14th March, 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the Executive in matters within the jurisdiction of the Courts of Justice, he thought proper without my participation and without advising me, to propose to both Houses, in Legislation for the 'Quebec, Montreal, Ottawa and Occidental Railway,' to substitute the power of the Executive for that of the Judiciary."

"That, without having advised me, and without having received authorization of any sort whatever from me, the Government of M. DeBoucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, etc., while no Message from me had been asked for this subject, nor signed by me to authorize its proposition to the Houses."

In relation to these measures I considered myself authorized by the reply of His Honor to my request for an authorization for resolutions respecting finances, and my explanations, as is seen by his letter to me, were accepted, and the Government relieved from all imputation of intentional discourtesy.

"7th. That, after its dismissal, the Government of the late M. DeBoucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day different from those agreed on between myself and the Premier, at the risk of prejudicing public opinion against the Representative of the Crown."

No reasons were assigned by me for the adjournment of the Legislative Council, neither the Speaker nor myself being present at any sitting of that House during the crisis, and the reasons assigned by M. Angers for the adjournment of the Legislative Assembly were in these words:—

"The Lieutenant-Governor signified his desire that the explanations respecting the dismissal from office of the Members of the Executive Council be not given this day, but only after a new Cabinet shall have been formed ;" that reason being substantially that given in the letter of His Honor of the 4th March.

"8th. That at the time of the communication of the causes which rendered necessary the dismissal of the Cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly, both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature, since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communication to both Houses of my memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and of the 2nd and 4th March instant."

My letter of the 4th March makes or accepts no such limitation, and, for the reason I have already stated, I considered myself fully justified in making the explanations that were made.

"9th. the Legislature, nor and th

As I

tenant-Gov

"10th

conversati

duty to th

gard to i

under the

The c

notes were

explain fu

His Honor

would hav

"all the re

The o

to convince

the Lieute

VOTES A

The fo
to the dism
table :

To the Hon

SIR,—I
corresponde
cherville G

Mr. Sp
Governor to
Monday, th
day, he rec
new Cabine

"9th. That therefore the additions and the comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly, were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier."

As I have stated, there were no such conditions agreed upon between the Lieutenant-Governor and myself.

"10th. That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown and to what they had pledged themselves to observe with regard to it, have placed the Lieutenant-Governor under the necessity of bringing under the notice of Your Excellency all the reasons for their dismissal."

The conversations reported by me were not "pretended" but real, of which notes were taken immediately after they occurred, and which were necessary to explain fully the circumstances preceding my dismissal. If they have compelled His Honor to state "all the reasons for that dismissal," I venture the opinion that it would have been more respectful to the Legislature, whose confidence I enjoyed, had "all the reasons" been communicated to it.

The observations I have made upon these additional reasons will, I hope, serve to convince Your Excellency that they were not such as to strengthen the position of the Lieutenant-Governor.

I have the honor to be, my Lord,

Your obedient Servant,

(Signed)

C. B. DeBOUCHERVILLE,

M. L. C.

No. 42.

EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF QUEBEC.

The following letter and "copies of the correspondence and explanations relating to the dismissal from office of the DeBoucherville Government" were laid upon the table :

QUEBEC, 8th March, 1878.

To the Honorable the Speaker of the Legislative Assembly.

SIR,—I have the honor to forward you, to be laid before the House, copy of the correspondence and explanations relating to the dismissal from office of the DeBoucherville Government, which I read and communicated to the House.

I have the honor to be, Sir,

Your obedient servant,

A. R. ANGERS,

Ex-Attorney-General,

Member for the County of Montmorency

MR. SPEAKER,—Mr. DeBoucherville had received permission from the Lieutenant Governor to give explanations respecting his dismissal from office at the sitting on Monday, the fourth March instant, between half-past one and two o'clock of the same day, he received from His Excellency a notice not to give any explanations until the new Cabinet had been formed.



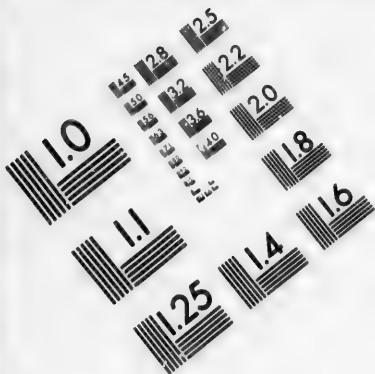
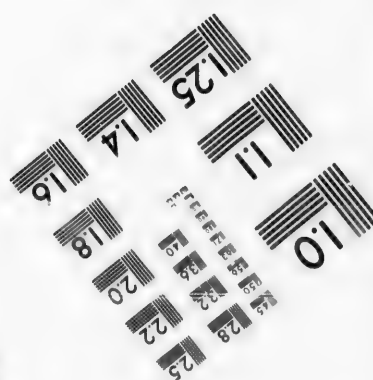
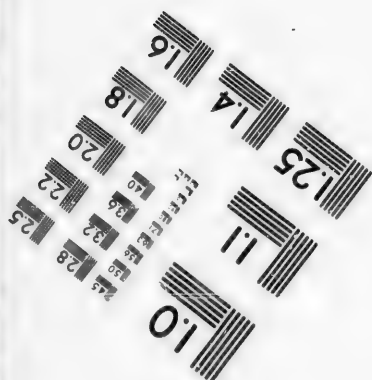
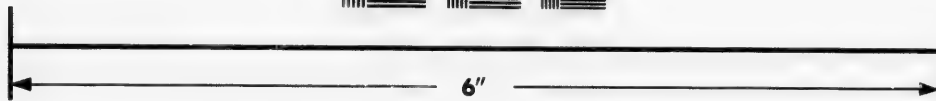
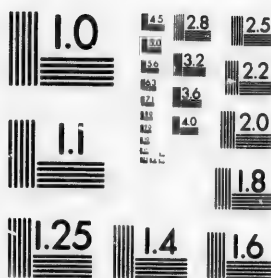


IMAGE EVALUATION TEST TARGET (MT-3)



Photographic
Sciences
Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

13 28 25
16 32 22
19 20
8

11
10
17

This event having been announced, the late DeBoucherville Government has the right, in virtue of the permission so obtained, to give its explanations to the House and to the country.

It is my duty to announce to the House that the DeBoucherville Government did not resign. A Government, possessing the confidence of the great majority of the Representative Assembly, and of almost the whole of the Legislative Council, has no right to resign, if it has really at heart the interest of the country, and a respect for its duty. The Government was dismissed from office by the Lieutenant-Governor. The facts which preceded and followed this event are entered in a journal kept from day to day and from hour to hour, under the dictation of the ex-Premier, and the following is an exact and faithful recital thereof.

On the 26th February, 1878, at about-half past four o'clock p.m., the Premier received from the Lieutenant-Governor, through his Aide-de-Camp, the following letter:—

GOVERNMENT HOUSE,
QUEBEC, 25th February, 1878.

To the Honorable C. B. DeBoucherville,
Premier of the Province of Quebec.

The Lieutenant-Governor desires the Executive Council to prepare for his consideration a factum including a copy of the following documents:—

1. A copy of the Acts of the Dominion Parliament authorizing the construction of the railway now known under the name of the "Quebec, Montreal, Ottawa and Occidental Railway" as well as a copy of the Acts of the Legislature of Quebec, respecting the same railway;
2. A copy of the Acts of the Legislature of the Province of Quebec respecting the construction of the railway between Quebec and Montreal commonly known as the North Shore Railway;
3. A copy of the by-laws of each of the Municipal Corporations by which they agreed to assist in the construction of the said road;
4. A statement of the amount of the grant paid by each of those Corporations, and a copy of the correspondence exchanged between the Government, the Railway Commissioners or the contractors of the said road and the said Municipal Corporations, with respect to their said grant or subsidy.
5. A copy of the several contracts entered into for the construction of the said roads;
6. A copy of the official and confidential Reports of the engineers to whom was entrusted the location of these lines of railway, in whole or in part;
7. A copy of the Report of the Railway Commissioners, laid before both Houses during the present Session, respecting the said roads;
8. Copy of the representations made to the Government by the municipal corporations interested or by the ratepayers of these Municipalities, respecting the conditions of their grant or subsidy;
9. Copy of the Resolutions proposed to the Provincial Legislature, during the present Session, respecting the said subsidies and to facilitate the payment and recovery of the same;
10. Copy of the Bill, based upon the said Resolutions, which was introduced into the House, during the present Session;
11. A plan showing the locations of each of the said railways or of any portion thereof;
12. A detailed statement of the reasons which induced the Provincial Government not to content themselves with the provisions of the Statute and Common Law and with those of the Civil Code of this Province, for the recovery of the sums of money which might become due by the said Corporations, but, without having in any manner previously consulted with the Lieutenant-Governor, to propose an *ex post facto* legislation to compel them thereto.

Another very important measure, to provide for the imposition of new taxes, was also similarly proposed to the Legislature, without having been previously submitted to the Lieutenant-Governor.

The Lieutenant-Governor is perfectly aware that measures of secondary importance, which have previously been sufficiently explained to him, may be, as a matter of routine, proposed to both Houses, without an express order from himself, but he cannot allow the Executive to communicate to the Legislature, on his behalf, any important or new measures, without his special order and without his having been previously fully informed and advised thereof.

LUC LETELLIER,

Lieutenant-Governor.

The Premier prepared his answer during the night of the 26th-27th February. This answer was delivered by him, in person, to the Lieutenant-Governor, at Spencer Wood, about ten o'clock, A. M., on the 27th. It reads as follows:—

QUEBEC, 27th February, 1878.

To His Excellency

The Hon. L. Letellier de St. Just,

Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY,—I have the honor to acknowledge the receipt of the memorandum sent me yesterday afternoon by Your Excellency, through your Aide-de-Camp, who, at the same time, informed me that you were ill in bed. I submitted this memorandum to the Executive Council, and I shall see, as Your Excellency desires, that all due diligence be used, in order that all the documents required may be transmitted to you as soon as possible.

In anticipation of the *factum* desired by Your Excellency, which will contain a more detailed statement of the motives which induced the Provincial Government to bring in the measures to which you draw my attention, I consider it my duty to represent that the reasons which, amongst others, caused the Government to submit to the Legislature a law obliging the municipalities to pay their subscriptions for the construction of the Provincial Railway, on the decision of the Lieutenant-Governor in Council, after a sworn report, made by a competent engineer, and after a notice of fifteen days, to give such Municipalities an opportunity of being heard,—are the ill will of certain Municipalities, shown by some in their neglect to comply with the requests of the Treasurer, by others in their formal refusal to pay, and, in certain cases, by resolutions adopted, asking new conditions respecting the agreements which they had made with the Government.

The Government was of opinion that, without such legislation, the object of which is to avoid the delays of ordinary legal proceedings, the result of the ill-will of these Municipalities would have been, either to necessitate a new loan by the Province and consequently to cause a burden to be unjustly imposed upon Municipalities which had entered into no engagements and which would derive no immediate benefit from the construction of the road, or the complete stoppage of the works already begun, together with the inevitable loss of interest on the enormous capital already laid out upon this enterprise, and the other damages resulting therefrom.

The Government, while undertaking in the first place, by the said law, to fulfil the conditions which it had agreed upon with the said Municipalities, considered that, in substituting for the ordinary courts, the Lieutenant-Governor with an Executive Council responsible to the Legislature and to the people, it offered to the parties interested a tribunal which afforded as many guarantees as the ordinary courts. I would also take the liberty of calling Your Excellency's attention to the fact that similar provisions are already in our Statutes. I would cite to Your Excellency Chapter 83 of the Consolidated Statutes of Canada, and also Chapter 47 of 36 Victoria of the Statutes of Ontario.

I humbly submit to Your Excellency that a law devised for the better securing of the execution of a contract cannot have a retroactive effect. It enacts for the future, and its objects are the respective interests of the parties.

Now, I beg Your Excellency to note that, while you were at Rivière Ouelle, I had the honour of requesting your authorization to lay the question of finances before the House, and that you were kind enough to reply that you sent me a blank form by mail, and I considered this, at the time, as a great mark of confidence on your part. I did, in effect, receive a blank form with your signature, which I handed to the Treasurer, who had it filled up by your Aide-de-Camp.

Later on, I had the honor of requesting Your Excellency's authorization generally to lay money questions before the House, and this Your Excellency granted, with your usual condescension. This permission, moreover, had invariably been accorded me by your predecessor, the late lamented Mr. Caron.

I must admit, that with this authorization, and the conviction in my mind that Your Excellency had read the Treasurer's Budget speech, in which he announced the taxes which were afterwards proposed, I considered I had a right to inform my colleagues that I had your permission for all questions respecting money.

I beg Your Excellency to believe that I never had any intention of arrogating to myself the right of having measures passed without your approval, and that, under existing circumstances, having had occasion to speak to Your Excellency in reference to the law respecting the Provincial Railway, and not having received any order to suspend it, I did not think Your Excellency would discover in this measure any intention on my part to slight your prerogatives, which no one is more disposed than I am to respect and uphold.

Yours, &c., &c,
C. B. DEBOUCHERVILLE.

After some conversation, the Lieutenant-Governor, having heard Mr. DeBoucherville's explanations, admitted that, if there had been any misunderstanding, it was in good faith on the part of the latter, in authorizing his colleagues to say that they were authorized to submit the legislation in reference to money matters. He afterwards told him, in reply to his question on the subject, that the only difficulty remaining was the question of the Quebec, Montreal, Ottawa and Occidental Railway and that he would give an answer on the following day, the 28th February.

On the 28th February, at about half-past seven in the evening, Mr. DeBoucherville went to Spencer Wood to convey to the Lieutenant-Governor the documents asked for in the letter of the 25th (which documents were prepared by the Honorable the Secretary, and were accompanied by a synopsis.) He asked him if he would soon give his answer. The Lieutenant-Governor told him that he would examine the documents and probably give it to him on the following day, the 1st March.

On leaving, Mr. DeBoucherville said: "If I understand you rightly, you are hesitating between giving your sanction to the Railway Bill and reserving it." He replied: "That is it."

On the 2nd of March, at five minutes to one in the afternoon, the Aide-de-Camp of the Lieutenant-Governor handed to Mr. DeBoucherville the letter given hereafter.

Before the Aide-de-Camp left, he was asked how His Excellency was. The Aide-de-Camp replied that he was not so well, and then asked, "When we intended closing the Session." Mr. DeBoucherville replied that he could not say, as many matters were in arrear. The following is the letter in question:—

GOVERNMENT HOUSE,
QUEBEC, 1st March, 1878.

To the Honorable C. B. DEBOUCHERVILLE,
Premier, Quebec.

The Lieutenant-Governor, taking into consideration the communication made to him verbally (on the 27th February) by the Premier, and also taking into consideration the letter which the Premier then gave to him, is prepared to admit

that there had been no intention on the part of the Premier to slight the prerogatives of the Crown, and that there was only on his part an error, committed in good faith, in the interpretation that he gave to words used by the Lieutenant-Governor, in the interview which they had on the 19th February instant, words which did not imply the authorization attributed to them by the Premier.

With this interpretation and the instructions given in consequence by the Premier to the Honorable Messrs. Angers and Church, these gentlemen did not, wittingly, do any thing against the duties of their office.

As to the blank, which the Lieutenant-Governor addressed to him from Rivière Ouelle, the Lieutenant-Governor knew that such blank was to be used for the purpose of submitting the Estimates to the House.

This act was a token of confidence on his part, as stated by the Premier in his letter of the 27th, but it was confidential.

The Lieutenant-Governor deems it his duty to observe that, in his memorandum of the 25th of February last, he in no way expressed the opinion that he thought that the Premier ever had the intention of arrogating to himself the "right" of "having measures passed without his approval, or of slighting the prerogatives of the representative of the Crown."

But the Premier must not lose sight of the fact that, although he had not so intended, the fact remains as he was told by the Lieutenant-Governor.

The fact of having submitted several new and important measures to the Legislature, without having previously, in any manner, consulted the Lieutenant-Governor, although without any intention of slighting his prerogatives, gives rise to one of those false positions which places the Representative of the Crown in a difficult and critical situation, with reference to both Houses of the Legislature.

The Lieutenant-Governor cannot admit that the responsibility of this state of things rests upon him.

So far as concerns the Bill intituled: "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway," the Premier cannot apply to the measure the pretended general authorization mentioned by him in his letter, for their interview took place on the 19th February and the Bill had then been before the House for several days, without the Lieutenant-Governor having been in any manner informed of it by his advisers.

The Lieutenant-Governor then told the Premier how much he regretted such legislation; he represented to him that he considered the principles of law and justice; notwithstanding this, the measure was pushed on until it was adopted by both Houses.

It is true that the Premier gives, in his letter, as one of his reasons for so acting, "that this permission of making use of the name of the representative of the Crown had been, moreover, always allowed to him by the predecessor of the present Lieutenant-Governor, the late lamented Mr. Caron."

This reason cannot avail with the Lieutenant-Governor, for, by so doing, he would abdicate his position as Representative of the Crown—a proceeding which neither the Lieutenant-Governor nor the Premier could reconcile with the duties of the Lieutenant-Governor towards the Crown.

The Lieutenant-Governor regrets being compelled to state, as he told the Premier, that he has generally not been explicitly informed of the measures adopted by the Cabinet; although the Lieutenant-Governor often gave occasion therefor to the Premier, especially during the course of last year.

The Lieutenant-Governor, from time to time, since the last meeting of the Legislature, drew the attention of the Premier to several matters respecting the interests of the Province of Quebec, amongst others,—

1. To the enormous expenditure, occasioned by very large subsidies to several railways when the Province was burdened with the construction of the trunk line of railway from Quebec to Ottawa, which should prevail over all others; and that at a time when our finances compelled us to raise loans disproportioned to our revenues.

2. On the necessity of reducing the expenses of the Civil Government, and those of legislation, in place of having recourse to new taxes, with a view of avoiding financial embarrassment.

The Lieutenant-Governor, although with regret, expressed to the Premier the opinion that the Orders in Council, for the increase of the salaries of Civil Service employees, seemed to him to be inopportune at a time when the Government had effected with the Bank of Montreal a loan at the rate of 7 per cent. for half a million, on condition of increasing this loan to one million; and, in fact, to day even (1st March), the Lieutenant-Governor was obliged to allow an Order in Council to be passed to secure the last half million for the Government, without which the Government would be unable to meet its obligations, as stated to him by the Honorable the Treasurer, by order of the Premier.

The Premier did not, either then or since, inform the Lieutenant-Governor that the Government were in so impecunious a position as to require special legislation to increase the public burdens.

The Lieutenant-Governor therefore stated and repeated these facts to the Premier, and now deems it his duty to record them here, in order that they may serve as a memorandum for himself and the Premier.

It results therefore,—

1. That although the Lieutenant Governor had made several representations, in his quality of Representative of the Crown, to the Premier on those various subjects of public interest, his advisers have taken administrative and legislative steps contrary to such representations, and without having previously advised him.

2. That the Lieutenant-Governor has, without evil motives, but in fact, been placed in a false position, by being exposed to a conflict with the desires of the Legislature; desires which he acknowledges to be paramount, when expressed in a constitutional manner.

The Lieutenant-Governor has attentively read and examined the memorandum and documents which the Premier was kind enough to bring him yesterday.

In the record are petitions from several Municipal Corporations and from citizens of different localities, addressed to the Lieutenant-Governor, against the resolutions and the Government Bill respecting the Quebec, Montreal, Ottawa and Occidental Railway.

The Lieutenant-Governor was only yesterday in a position to take communication of some of these positions, inasmuch as they had not been transmitted to him, before the Record.

The Lieutenant-Governor, after mature deliberation, cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill, titled: "An Act relating to the Quebec, Montreal, Ottawa and Occidental Railway."

For all these reasons therefore, the Lieutenant-Governor cannot conclude this memorandum without expressing to the Premier the regret which he feels in being no longer able to retain him in his position, contrary to the rights and prerogatives of the Crown.

L LETELLIER,

Lieutenant-Governor.

On the 2nd March, about two o'clock, p.m., Mr. DeBoucherville went to Spencer Wood. When he arrived he was admitted to the presence of the Lieutenant-Governor, and told him "that according to the memorandum received from him that day, he understood that he was dismissed from the office of Premier."

The Lieutenant-Governor told him he was to take his own interpretation from the letter. Upon this Mr. DeBoucherville handed him the letter, which will be found further on, as being his answer.

The Lieutenant-Governor, without opening before him, made some remarks on the difficulty on which the legislation had placed him.

Mr. DeBoucherville replied that in his present position he thought he had no opinion to express on the subject. He then bowed himself out. When he had proceeded a short distance from the House he caused the vehicle to return, having forgotten to ask permission from the Lieutenant-Governor to give explanations to the House. After having been a second time admitted to the presence of the Lieutenant-Governor, he asked permission to give explanations and to make known the memorandum of the Lieutenant-Governor and his replies thereto.

The Lieutenant-Governor told him he had no objection, and asked him as to the person he should send for. Mr. DeBoucherville replied that he looked upon himself—having been dismissed—as being in a different position from a Minister who, although defeated in the House, still retained the confidence of the Sovereign; that he had had a majority of twenty-five in one of the late votes; that, under these circumstances, he did not think he could advise him in the matter. He then left him, and while in the ante-room the Lieutenant Governor recalled him, and said: "Please delay the explanations until Monday."

The following is a copy of the letter which Mr. DeBoucherville handed to the Lieutenant-Governor, when the latter told him he was to take his own interpretation of his memorandum.

QUEBEC, 2nd March, 1878.

To His Excellency the Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY,—I have the honor to acknowledge the receipt of your memorandum, in which you come to the conclusion that you cannot retain me in my position as Premier.

I have therefore no other duty to perform beyond submitting to my dismissal from office, communicated by Your Excellency, reiterating at the same time my profound respect for the rights and prerogatives of the Crown, and my devotion to the interests of our Province.

I have the honor to be,

Your Excellency's &c., &c.,

C. B. DEBOUCHERVILLE.

On the 28th January, 1878, Mr. DeBoucherville had sent to His Excellency the Lieutenant-Governor, who was then at Rivière Ouelle, the following telegraphic despatch:—

"Can you send me authorization—resolutions respecting finances."

The Lieutenant-Governor on the following day, the 20th telegraphed Mr. DeBoucherville:—

"Blank mailed to-day. If presence necessary, telegraph. Return Friday."

The resolutions respecting the North Shore Railway were submitted to the House only on the 29th January, after the telegram had been received from the Lieutenant-Governor that a form signed in blank had been mailed to Mr. DeBoucherville in reply to his despatch of the previous day, saying: "Can you send me authorization—resolutions respecting finances?"

On the 30th January, the first resolution was reported from Committee of the Whole. On the 31st it was adopted by the House. On the 1st February the House again went into Committee of the Whole and reported the other resolutions on the same subject. But it was only on the 5th that the adoption of the report of the Committee was carried, the House throwing out the motion of non-confidence on this point by 38 to 21.

On the 5th February, a Bill, based on these resolutions, was introduced; the second reading was delayed until the 18th February; the third reading took place on the 19th. During all this time, the Lieutenant Governor, to whom the Votes and Proceedings were sent daily, remained silent.

On the 19th February, Mr. DeBoucherville met the Lieutenant-Governor, and in the conversation which took place on the subject of the measure, thought he had satisfied him as to its legality and the urgency of its being passed. The Lieutenant-Governor was so far from being explicit as to his intentions, that Mr. DeBoucherville left him with the impression that he was authorized.

The Lieutenant-Governor does not contend, in his memorandum of the 1st March, 1878, that he had given orders to suspend the legislation.

Sent up to the Legislative Council, this Bill had gone through its third reading before the first letter was received from the Lieutenant-Governor, dated the 25th February last, but only delivered at 4.30 p.m., on the 26th. In fact, the Lieutenant-Governor, in his letter of the 1st March, admits that he did not, in any way, in his memorandum of the 25th February, express the opinion that he considered the Premier had intended to arrogate to himself the right of getting measures passed without his approval or of slighting the prerogatives of the Representative of the Crown.

Having ascertained that a misunderstanding existed as to the interpretation of the authorization asked by telegraphic despatch on the 28th January and answered on the 29th by a Message stating that a form signed in blank was sent, and in view of the impressions left by the conversation of the 19th February in Mr. DeBoucherville's mind, should the Lieutenant-Governor have waited to make known, for the first time, the existence of this misunderstanding until the 26th February at which date the whole of the legislation, of which he complains, had been discussed and voted in the affirmative by both Houses.

The confidence shown by the Lieutenant-Governor on the 29th January in Mr. DeBoucherville, by forwarding the form signed in blank, was calculated to justify him in interpreting the silence of the Lieutenant-Governor at least as not meaning dissent.

After these interviews of the 19th February, the silence observed until the 26th February was also of a nature to lead him to believe that he had a general authorization to submit to the House all measures which the public service required.

On the 31st of January, 26 days previous to the first memorandum of the Lieutenant-Governor, the Honorable Treasurer made his Budget Speech, in which he announced the new taxes which it would be necessary to levy to meet the obligations of the Province,—obligations contracted during several previous years, and resulting from the policy then inaugurated on railways and which have received the concurrence of several Members belonging to the party opposing the Government.

Can this speech, published *in extenso* by the press of the whole country, have escaped the notice of the Lieutenant-Governor?

On the 19th of February, the resolutions demanding those taxes, but at a lower rate than the one mentioned by the Treasurer in his speech, were presented; and on the 20th were adopted by a vote of 39 against 22.

The Lieutenant-Governor, in his memorandum of the 1st March, complains that Mr. DeBoucherville did not let him know that the Government was in an impecunious condition requiring special legislation to increase the public taxes.

The Premier would have formed an erroneous idea of the situation, if he had so qualified the temporary embarrassment, caused by the ill-will of the Municipalities which had subscribed for the construction of the Provincial Railway, in neglecting to faithfully fulfil their obligations. He would have formed an erroneous idea of the situation, in presence of the results obtained, so far without any burden having been imposed in order to obtain them.

On the 22nd February, notice was given of resolutions respecting railways in the Eastern Townships and on the South Shore of the St. Lawrence.

On the 23rd of the same month the resolutions were introduced and subsequently adopted by a vote of 41 to 16. These resolutions do not in any way increase the actual debt of the Province.

The Lieutenant-Governor said in the same memorandum, "That the construction of the railway from Quebec to Ottawa should prevail over that of other railways."

The legislation of many years past on this subject establishes no priority in favor of the Provincial Railway to the detriment of railways in the Eastern Townships and on the South Shore. The DeBoucherville Government would have contravened the law if they had adopted any other view of the matter.

In the same memorandum the Lieutenant-Governor declares: "That he cannot accept the advice of the Premier in reference to the sanction to be given to the railway Bill, intituled: 'An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway.'" This declaration is premature, the Premier never having been called upon to give his opinion as to the sanction to be given; and if he had been called upon to do so, he would, under the circumstances, have recommended that it be reserved for the decision of the Governor General, being in doubt as to the Lieutenant-Governor having the right, of his own accord *ex proprio motu*, to exercise the prerogative of veto, and thus to decide finally on the fate of a measure passed by both Houses, when the British North America Act of 1867 seems to leave such power to the Governor General.

The memorandum of His Excellency refers to petitions of several Corporations and citizens of different places, addressed to the Lieutenant Governor against the resolutions and the measures of the Government concerning the Quebec, Montreal, Ottawa and Occidental Railway.

It is sufficient to consider that these petitions came from debtors, from whom the law intends to force payment, to arrive at the correct conclusion that the opinion of both Houses should prevail over that expressed in such petitions.

The Lieutenant-Governor, in the same memorandum, refers to acts of administration which date from before the Session and to which he has given his assent. As he alludes to matters for which the Government is responsible to both Houses, as advisers of the Crown, and as they are foreign to the question of prerogative raised by the Lieutenant-Governor, they cannot be adduced in this memorandum, as reasons for the conclusion arrived at by His Excellency, that he cannot continue to retain Mr. DeBoucherville in his position against the rights and prerogatives of the Crown; therefore, to avoid being carried away by this side issue or *hors d'œuvre*, there is no reason to question them now.

The Lieutenant-Governor further express the opinion "that the state of our finances forced us to make loans disproportionate to our resources."

The necessity of here repeating this phrase is to be regretted; but the credit of the Province requires that it should be contradicted. The mere reading of the Budget speech will suffice to reassure alarmists.

From all the above facts, from admissions contained in the last memorandum of the Lieutenant-Governor, from the transmission of the form signed in blank and sent by him in reply to a request of Mr. DeBoucherville, asking his authorization to introduce "resolutions respecting finances" and from the silence of the Lieutenant-Governor up to the 26th February last, it results that no measures have been introduced into the House in opposition to the prerogatives of the Representative of the Sovereign.

Nothing more remains now for me to do but to reiterate the declaration I made in commencing these explanations; the DeBoucherville Cabinet has not resigned. It has been dismissed from office, by the Lieutenant-Governor.

The Conservative party is no longer in power. But it is, in the House, the power—a qualified power—a majority in the opposition. The majority here, the majority in the Council, the majority in the country. The Conservative party has been dismissed from office; but it stands uncompromised, without compromise, without division—devoted to the constitution and to the welfare of the country.

A. R. ANGERS,

Ex-Attorney-General.

Member for the Electoral District of Montmorency.

Mr. Loranger, seconded by Mr. Lynch, moved that the following address, affirming the privileges and immunities of the House, be presented by Mr. Speaker to His Excellency the Lieutenant-Governor of the Province of Quebec, at the Bar of the Legislative Council, at the prorogation of the Legislature.

To His Excellency the Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY.

The Legislative Assembly of the Province of Quebec deem it their duty to humbly represent that the Cabinet of which the Honorable Henri Gustave Joly is the chief, was defeated three different times, at the sitting of the eight of March instant, by majorities varying from twenty to twenty-two votes.

And they regret to state that the constitution has been disregarded by the advisers of His Excellency to the extent that they persist in retaining power against the will of the majority of the House and of the Country.

The Legislative Assembly believes it, moreover, their duty to express their regret that they have been put to the necessity of suspending the passage of the Supply Bill until justice has been extended to the majority of this House.

The Legislative Assembly desires respectfully to represent to Your Excellency that there exists in the House a political party, possessing the confidence of the Country, and having a large majority in the House; that this party is competent to administer the public business, and that the prorogation of the Legislature presently would be prejudicial to the legislation and to the interests of the Country.

The Legislative Assembly desires to represent to Your Excellency, that the fact of the minority having a control over public affairs is the cause of the embarrassment under which the Province labors, through the suspension of the Supply Bill; and that a prompt solution of the difficulty may be arrived at by acting in conformity with the constitution.

The Legislative Assembly desires also to represent to Your Excellency, that inasmuch as there exists in the House a political party strong enough to command a large majority, there is no necessity for a dissolution of the Legislature, a step which will cause considerable and useless expense to the Province and seriously threaten the peace and tranquillity of the people of this Province.

And your Petitioners will ever pray.

And objection having been taken that the said motion is contrary to the constitution and should be considered out of order;

Mr. Speaker ruled :—"That the point of order was raised and decided yesterday."

And appeal having been made from Mr. Speaker's decision ;

The question was put and carried in the affirmative on the following division :—

In favor of Mr. Speaker's decision.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Deschenes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Larochelle, Lavallée, Le Cavalier, Loranger, Lynch, Martin, Mathieu, McGauvran, Picard, Sawyer, St. Cyr, Taillon, Tarte, Thornton, and Wurtele.—33.

Against Mr. Speaker's decision.

MM. De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Molléur, Paquet, Préfontaine, Rinfret dit Malouin, Shehyn, Sylvestre, and Watts.—12.

Exhibit No. 7.

No. 7.

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

OF THE PROVINCE OF QUEBEC.

QUEBEC, TUESDAY, 11th JUNE, 1878.

Mr. Bertrand, seconded by Mr. Robillard, introduced a Bill (No. 4) to amend certain articles of the Civil Code of the Province of Quebec.

Second reading to-morrow.

Mr. Desaulniers, seconded by Mr. Caron, introduced a Bill (N^o. 5) to amend article 775 of the Municipal Code.

Second reading to-morrow.

The order of the day for resuming the adjourned debate on the amendment moved on Thursday the 6th instant to the amendment to the motion made by Mr. Gagnon, respecting an address to His Excellency the Lieutenant-Governor, in reply to his Speech in opening the present Session, and which amendment was conceived in these terms:

"That, after the last words in the closing paragraph of the resolutions contained in the proposed motion, the following words be added."

"That this House, while expressing its firm determination to insist on the strictest economy in every branch of the public service, and on the closest supervision over the expenses of administration, regrets that the present advisers of His Excellency the Lieutenant-Governor should have persisted in remaining in power without having been supported by the majority of the Legislative Assembly upon their taking office, and without yet being supported by such majority.

Which said amendment was:

That all the words after "that" in the motion in amendment be struck out and replaced by the following words, "This House entirely approves of the policy of economy and retrenchment inaugurated by the Government and hopes that it will continue to put it energetically into practice."

And the question on the amendment to the said amendment having been put it was negatived on the following division.

YEAS.

MM. Bachand, Blais, Boutin, Brousseau, Cameron, Chauveau, Dupuis, Flynn, Fortin, Gagnon, Irvine, Joly, Laberge, Lafontaine (Shefford), Lafontaine (Napierville), Langelier (Portneuf), Langelier (Montmorency), Lovell, Marchand, McShane, Meikle, Molleur, Murphy, Nelson, Paquet, Poirier, Racicot, Rinfret dit Malouin, Ross, Shehyn, Watts.—31.

NAYS.

MM. Audet, Beaubien, Bergevin, Bertrand, Caron, Champagne, Chapleau, Charlebois, Church, Desaulniers, Deschênes, Duckett, Duhamel, Gauthier, Houde, Lalonde, Lavallée, LeCavalier, Loranger, Lynch, Magnan, Martel, Mathieu, Peltier, Picard, Robertson, Robillard, Sawyer, St. Cyr, Taillon, Tarte, Wurtele.—32.

And the question on the amendment to the main motion having been put it was carried on the following division.

YEAS.

MM. Audet, Beaubien, Bergevin, Bertrand, Caron, Champagne, Chapleau, Charlebois, Church, Church, Desaulniers, Deschênes, Duckett, Duhamel, Gauthier, Houde, Lalonde, Lavallée, LeCavalier, Loranger, Lynch, Magnan, Martel, Matnieu, Peltier, Picard, Robertson, Robillard, Sawyer, St. Cyr, Taillon, Tarte, Wurtele.—32.

NAYS.

MM. Bachand, Blais, Boutin, Brousseau, Cameron, Chauveau, Dupuis, Flynn, Fortin, Gagnon, Irvine, Joly, Laberge, Lafontaine (Shefford), Lofontaine (Napierville), Langelier (Portneuf), Langelier (Montmorency), Loveil, Marchand, McShane, Meikle, Mollour, Murphy, Nelson, Paquet, Poirier, Racicot, Rinfret dit Malouin, Ross, Shehyn, Watts.—31.

And then the main motion as amended having been put.

Mr. Watts moves in amendment seconded by Mr. Racicot.

That after the last word of the said resolutions as amended the following words be added :

That, nevertheless, under present circumstances this House believes it to be its duty to give a general independent support to the Government, in such a manner, that the measures, which it proposes, may be submitted to the judgment of this House.

Mr. Loranger, seconded by Hon. Mr. Chapleau, moved in amendment to the said amendment ;

That all the words after, " that " in the amendment be struck out, and that the following be substituted : " Moreover this house is of opinion that the principles of the constitution of responsible government require that the cabinet entrusted with the administration of public affairs be supported by the majority of the House."

And a debate arising.

Mr. Speaker, under the provisions of the Act 31 Vict. Cap. 4, of the Statutes of the Province of Quebec, called upon Mr. Rinfret dit Malouin, Member for the Electoral Division of Quebec Centre to replace him in the chair, during his temporary absence.

And the House having sat until after twelve o'clock, midnight.

Wednesday, 12th June, 1878.

After some time the Speaker resumed the Chair.

And the debate continued.

On motion of Honorable Mr. Chapleau seconded by Honorable Mr. Church, it was ordered that the debate be adjourned.

And then the House adjourned.

ARTHUR TURCOTTE,

Speaker.

Exhibit No. 8.

Friday, 14th June, 1878.

The Honorable Legislative Councillors convened were :

The Honorable *Henry Starnes*, Speaker.

The Honorable Messieurs.

Archambeault,
Beaudry,
Boucherville, de
Bryson,
Dionne,
Destaler,
Ferrier,
Gaudet,
Gingras,
Hearn.
LaBruère, de
Laviolette,

LeMaire,
Léry, de
Panet,
Proulx,
Prudhomme,
Rémillard,
Ross,
Roy,
Savage,
Webb,
Wood.

On motion of the Honorable Mr. DeBoucherville it was

Ordered, That the minutes of proceedings of the thirteenth instant, containing an error be corrected by adding to the seventh line of page 2, after the word "amendment" the following words :—

"That the seventh paragraph be struck out and replaced by the following :

"That although convinced of the serious danger to the rights and liberty of the Province of Quebec by any modification to the British North America Act, we will, however, give all our attention to the Bill which will be submitted to us to that effect.

The Order of the Day being read for the continuation of the debate on the amendment moved by the Hon. Mr. DeBoucherville, to the seventh paragraph of the resolution relative to the address in answer to the Speech of His Excellency the Lieutenant-Governor from the Throne, at the opening of the Session, the said debate was continued, and the question of concurrence being put on the said amendment, the House divided, and the names being called for were taken down as follows :—

CONTENTS :

The Honorable Messieurs

Archambeault,
Beaudry,
Boucherville, De,
Bryson,
Dionne,
Destaler,
Ferrier,
Gaudet,
Gingras,
Hearn,
LaBruère, de

Laviolette,
LeMaire,
Léry, de
Panet,
Prudhomme,
Ross,
Roy,
Savage,
Webb,
Wood.— 21.

NON-CONTENTS :

The Honorable Messieurs

Starnes,
Proulx,

Rémillard.—3.

So it was resolved in the affirmative.

The eighth paragraph of the said resolution being again read, and the question of concurrence being put thereon, it was

Resolved, in the affirmative.

The ninth paragraph of the said resolution being again read, and the question of concurrence being put thereon,

The Hon. Mr. Beaudry, seconded by the Hon. Mr. Webb, moved

That at the end of the said ninth paragraph the following words be added :

" But that this House desires to express anew its regret that His Excellency the Lieutenant-Governor was advised to dismiss his Ministers in March last, at the time they enjoyed the confidence of both branches of the Legislature and of the Province.

" That this House is of opinion that in acting on this advice, dismissing his Ministers, and appointing a new Cabinet from the ranks of the minority, His Excellency, was advised to follow a course contrary to the recognized principles of responsible Government."

After debate, the question of concurrence being put on the said amendment, the House divided, and the names being called for were taken down as follows.

CONTENTS :

The Honorables Messieurs

Beaudry,
Boucherville, de
Dostaler,
Gaudet,
Gingras,
Hearn,
La Bruère, De
Laviolette,

LeMaire,
Léry, de
Prudhomme,
Roy,
Ross,
Savage,
Webb
Wood.—16.

CONTENTS :

The Honorable Messieurs

Archambeault,
Bryson,
Proulx,

Remillard,
Starnes.—5.

So it was, resolved in the affirmative.

The said paragraph was adopted as amended.

The tenth paragraph being again read and the question of concurrence being put thereon, it was

Resolved in the affirmative.

On motion of the Honorable Mr. Starnes, seconded by the Honorable Mr. Remillard, it was

Ordered, That the Honorable Messrs. Proulx, Rémillard, and the mover be appointed a committee to prepare an address based on the said resolution.

The House adjourned during pleasure.

After some time the House was resumed and the Honorable Mr. Rémillard reported an address prepared by the said committee as follows:

To His Excellency the Honorable Luc Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

May it please Your Excellency, We Her Majesty's dutiful and loyal subjects the Legislative Council of Quebec, in Provincial Legislature assembled, humbly, thank your Excellency for your Gracious Speech from the Throne at the opening of this Session, and further to assure your Excellency:

" Who sees us, with pleasure met together, for the despatch of the business of this Province, to rest assured that we will give the greatest attention to such business

por
rail
of t
it is
effic
fer t
Com
for t
Prov
howe
subm
since
arbitr
our in
us, an
the L
B
was a
confid
T
Minist
Excell
respon
labours
tants o
Wh
On
it was
Ora
Speaker
On
Remilla
Ora
Governor
On
Ora
at 3 o'cle
The
The

"With Your Excellency, we believe our financial condition to be the most important of the subjects which we have to consider.

"With Your Excellency, we are of opinion that it behoves us to complete railways already commenced, so as to reap, with the least possible delay, the benefit of the sacrifices we have made to build them.

"To carry out these undertakings with success and to meet all our engagements, it is indispensable that expenditure should be reduced as low as is consistent with the efficient administration of the public service.

"We will carefully consider the Bill which will be submitted to us, to transfer to the Commissioner of Public Works all the powers now vested in the Railway Commissioners and to abolish the office.

"We will attentively consider the measure which will be submitted to provide for the abolition of District Magistrates' Courts.

"We although convinced of the serious danger to the rights and liberty of the Province of Quebec by any modification to the British North America Act, we will, however, give all our attention to the British North America Act which will be submitted to us to that effect.

"We look forward with interest to the communication of the judgment rendered, since last session, by Her Majesty in Her Privy Council, on the question of the arbitration between the Provinces of Quebec and Ontario.

"Your Excellency may rest assured that we will manifest, in the fulfilment of our important duties, that serious attention, that devotion to the interests confided to us, and that loyalty to our Sovereign Lady the Queen, which is to be expected from the Legislature of Quebec."

But that this House desires to express anew its regret that Your Excellency was advised to dismiss Your Ministers in March last, at the time they enjoyed the confidence of both branches of the Legislature and of the Province.

That this House is of opinion that in acting on this advice dismissing your Ministers, and appointing a new Cabinet from the ranks of the minority, your Excellency was advised to follow a course contrary to the recognized principles of responsible government.

"10. With your Excellency, we ardently pray that Heaven may bless our labours and that they may tend to the union, peace and prosperity of the inhabitants of our Province."

Which address being read by the clerk was unanimously adopted.

On motion of the Honorable Mr. Starnes, seconded by the Honorable Mr. Proulx, it was

Ordered, that the said address be engrossed and signed by the Honorable the Speaker of this House.

On motion of the Honorable Mr. Starnes, seconded by the Honorable Mr. Remillard, it was

Ordered, That the said address be presented to His Excellency the Lieutenant Governor by the Speaker of this House.

On motion of the Honorable Mr. Dionne, it was

Ordered, That when this House adjourns, it do stand adjourned to Tuesday next, at 3 o'clock in the afternoon.

Then on motion of the Honorable M. Dostaler,

The House adjourned until Tuesday next, at three o'clock in the afternoon.

Exhibit No. 9.

RETURN

To an ADDRESS from the Legislative Assembly, dated the 22nd June last, praying His Excellency the Lieutenant-Governor that he will cause to be laid before this House :

Copies of the correspondence exchanged between himself and His Excellency the Governor General of the Dominion, respecting the dismissal of the DeBoucherville Government from office.

Copies of the correspondence exchanged between His Excellency the Lieutenant-Governor and the Honorable Secretary of State or any of the members of the Privy Council of the Dominion, relating directly or indirectly to the said dismissal from office of the DeBoucherville Ministry.

A complete copy of the record in the Bernatchez, Bélanger and Fournier affair, respecting the appointment and election of a municipal councillor for the Village of Montmagny, also copy of the letter of His Excellency the Lieutenant-Governor, dated from Rivière Ouelle, ordering the cancelling of the said appointment; copies of the report of the Attorney-General on this subject, and of the cancelling of the said appointment by His Excellency; copy of the correspondence of the Honorable Provincial Secretary, on the subject, and also a copy of the letter of His Excellency, dated 19th March, 1877, addressed to the Honorable Provincial Secretary, mention whereof is made in the despatch of the Lieutenant-Governor to His Excellency the Governor-General, respecting the dismissal of the DeBoucherville Ministry; copy of the Proclamation convening this Legislature for the despatch of business, on the 19th December last; copy of the Proclamation inviting the people of this Province to observe the 22nd November last, as a Thanksgiving day; copy of all correspondence exchanged between His Excellency and the Secretary of State, the Prime Minister or any other member of the Privy Council of the Dominion concerning such Thanksgiving day.

By order,
(Signed)

F. G. MARCHAND,
Secretary.

Secretary's Office,
Quebec, 5th July 1878.

PROVINCE OF QUEBEC.

QUEBEC, 21st November, 1877.

No. 1416/77.

SIR,—I have the honor to inform you that by Order in Council approved on the 20th November instant (1877) His Excellency the Lieutenant-Governor has been pleased to order that a proclamation do issue convening the Legislature of the Province of Quebec, for the nineteenth December next, for despatch of business.

I have the honor to be,

Sir,

Your obedient servant,

(Signed),

PH. J. JOLICŒUR,
Asst. Secretary.

L. H. HUOT, Esq.,
Clerk of the Crown in Chancery, Quebec.

Copy of t
Novem

No. 372.

The
memoran
be prepar
despatch
seven.
The
the Lieut

To the F

CA
Province

Victori

To Our
and
vin
Pr
ne

WH
ro
certain
to WE
neithe
City o
and ea
NINET
sonall
clude
the C

By C

COPY of the report of a Committee of the Honorable the Executive Council, dated 19th November, 1877, approved by the Lieutenant-Governor, on the 20th November, 1877.

No. 372.

On the calling together of the Parliament of the Province.
The Honorable the Commissioner of Agriculture and Public Works, in a memorandum dated 19th November instant, 1877, recommends that a proclamation be prepared and published, calling together the Legislature of this Province, for the despatch of business, for the nineteenth of December, eighteen hundred and seventy-seven.

The Committee concurs in this recommendation and submits to the approval of the Lieutenant-Governor.

Certified,

(Signed)

FELIX FORTIER,

Clerk Ex. Council.

To the Honorable the
Provincial Secretary, &c., &c., &c.

CANADA,
Province of Quebec. }
[L.S.]

L. LETELLIER.

*Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland
Queen, Defender of the Faith, &c., &c., &c.*

To Our Beloved and Faithful the Legislative Councillors of the Province of Quebec, and the Members elected to serve in the Legislative Assembly of Our said Province, and summoned and called to a Meeting of the Legislature of Our said Province, at Our City of Quebec, on the THIRD day of the month of DECEMBER next, to have been commenced and held—GREETING:

A PROCLAMATION.

WHEREAS the Meeting of the Legislature of the Province of Quebec, stands prorogued to the Third day of the month of December next. NEVERTHELESS for certain causes and considerations. We have thought fit to further prorogue the same to WEDNESDAY, the NINETEENTH day of the month of DECEMBER next, so that neither you nor any of you, on the said third day of December next, at Our said City of Quebec, to appear and to be held and constrained, for We do will that you and each of you and all others in this behalf interested, that on WEDNESDAY, the NINETEENTH day of the month of DECEMBER next, at our said City of Quebec, personally you be and appear for the DESPATCH OF BUSINESS, to treat, do, act and conclude upon those things which in our Legislature of the Province of Quebec, by the Common Council of Our said Province, may by the favor of God, be ordained.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Quebec, to be hereunto affixed; WITNESS, Our Trusty and Well-Beloved the Honorable LUC LETELLIER DE SAINT JUST, Lieutenant-Governor of Our said Province of Quebec.

At Our Government House, in Our City of Quebec, in Our said Province, this TWENTY THIRD day of NOVEMBER, in the year of Our Lord, one thousand eight hundred and seventy-seven, and in the forty-first year of Our Reign.

By Command,

L. H. HUOT,

Clerk of the Crown in Chancery.

COPY of the Report of a Committee of the Honorable the Executive Council, dated 30th October, 1877, approved by the Lieutenant-Governor, on the 30th October, 1877.

No. 348.

The Honorable the Commissioner of Agriculture and Public Works, in a report dated 30th October instant, 1877, sets forth that Divine Providence having protected this Province from the calamities which affect other nations, and favored this country with an abundant harvest,

That it is the duty of the inhabitants of this Province to recognize by public thanksgiving that all good comes from God, and that the earth would be sterile without the assistance of His Divine Will.

The Honorable Commissioner therefore recommends that a proclamation be issued by His Excellency the Lieutenant-Governor making the twenty-second of November next a day of Thanksgiving to the Almighty to thank Him for having protected our hearths from calamity and for having blessed the labors of the people of this Province by granting to it an abundant harvest.

The Committee concurs in the above report and submits it to the approval of the Lieutenant-Governor.

Certified,
(Signed)!

FELIX FORTIER,
Clerk Ex. Council.

To the Honorable the
Provincial Secretary, &c., &c., &c.

CANADA,
Province of QUEBEC. }
[L.S.] }

L. LETELLIER.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland,
QUEEN, Defender of the Faith, &c., &c., &c.*

To all to whom these presents shall come or whom the same may concern—

GREETING:

A PROCLAMATION.

A. R. ANGERS, } **WHEREAS** the Almighty has been pleased, in His divine
Atty. Gen. } goodness, to avert from Our Province the calamities which
afflict other nations, and to bless this country with an abundant harvest; **AND**
WHEREAS it is the duty of the inhabitants of Our said Province to return public thanks
to Divine Providence for such a signal favor.

Now **KNOW YE**, that, by and with the advice and consent of the Executive Council of Our Province of Quebec, We have fixed and appointed, and do hereby fix and appoint, **THURSDAY**, the **TWENTY SECOND** day of **NOVEMBER** next, as a **DAY OF PUBLIC THANKSGIVING** to return thanks to the Almighty for the favors which he has been pleased to grant to the inhabitants of Our said Province.

Of all which our loving subjects and all others whom these presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province of Quebec to be hereunto affixed: **WITNESS**, Our Trusty and Well Beloved the Honorable **LUC LETELLIER DE SAINT-JUST**, Lieutenant-Governor of the Province of Quebec.

At Our Government House, in Our City of Quebec, in Our said Province of Quebec, this **THIRTIETH** day of **OCTOBER**, in the year of Our Lord, one thousand eight hundred and seventy seven, in the forty-first year of Our Reign.

By command,

PH. J. JOLICŒUR,
Assistant-Secretary.

CANADA,
Province of Quebec, }
District of Montmagny.

District Magistrate's Court for the County of Montmagny.

EX PARTE:—Jules Belanger, guardian and proprietor of a bridge, in the village of Montmagny, in the County and District of Montmagny, Petitioner.

Eugène Fournier, diver, of the Village of Montmagny, Respondent.

The thirty-first day of January, eighteen hundred and seventy-seven.

Present:

JAMES OLIVA, Esquire.

The Court after having heard the parties in this cause by their respective Counsel and the declaration made in this cause by the Respondent, and filed in the record and his admissions before the Court.

Considering that on the eighth of January instant, at a meeting of the electors of the South Ward of the Village of Montmagny, held at the said place for the election of a Councillor for the said Ward, two candidates were nominated namely: Eugène Fournier and Jules Belanger.

Considering that more candidates were thus nominated than there were councillors to be elected.

Considering that the presiding officer of such meeting granted a poll on the requisition of a number of electors required by law, and commenced then and there to register the votes of the electors present in favour of two candidates.

Considering that such presiding officer, after beginning to register the votes on the said eighth day of January, without waiting that an hour should have elapsed without registering a vote, closed the said election and proclaimed the said Eugene Fournier as the councillor elected.

Considering that the closing of such election and such proclamation were illegal, premature and contrary to the express wording of the law.

The Court declares the election and proclamation of the said Eugène Fournier, illegal, annuls and cancels them, and orders that on Monday, the nineteenth day of February next, at ten of the o'clock in the forenoon, at the village of Montmagny, in the South Ward of the said Village of Montmagny, after notice given as required by law, there shall be held a meeting of the municipal electors of the South Ward of the said Municipality of Montmagny, for the purpose of then and there holding a new election to replace the said Eugène Fournier whose election is thus annulled by the present. And the Court appoints for such purpose Eugène Hamond, esquire, of the village of Montmagny, to preside over such election.

The Court considering that the said Eugène Fournier has not maintained his said election, but on the contrary has admitted and consented that it be annulled and therefore that he is not responsible for the irregularities in connection with such election, rejects that portion of the conclusions of the petition of the said petitioner in which he prays for costs against the said respondent, but without costs.

(Signed)

A. BENDER,
C. C. C. M. & C. D. M. C. M.

In the year one thousand eight hundred and seventy seven, on the nineteenth day of the month of February, at nine of the clock in the forenoon.

On the requisition of Messieurs Jules Bélanger and Magloire Langlois, both electors and ratepayers of the South Ward of the Corporation of the Village of Montmagny, and residing therein.

I, the undersigned, notary public, for the Province of Quebec, residing in the parish of St. Thomas, in the County of Montmagny.

Went for that purpose, to the residence of Captain Eugene Hamond, situate in the said Village of Montmagny, and being there and speaking to him, I did on behalf of the petitioners, say and declare as follows, to wit:—

That in virtue of a judgment rendered by James Oliva, esquire, stipendiary magistrate, in January last, and duly served on him, he had been appointed to preside over the election of a councillor, in the South Ward of the said Corporation of the Village of Montmagny, which is to take place this day, the nineteenth of February, for the purpose of electing a councillor in the place of Eugene Fournier whose election was set aside by the said judgment.

That the said election would be useless and of no effect or avail other than to give rise to lawsuits and cause considerable expense to the ratepayers of the corporation of the Village of Montmagny, for the following reasons, to wit: because no public notice was given within the delay required and provided by the Municipal Code, namely: seven clear days between the publication of the notice and the day of the election.

Wherefore we have protested and notified, as, by these presents, we do protest and notify the said Eugene Hamond, not to preside over the said election and that in default of his complying herewith, the said petitioners intend to hold him personally responsible for all costs and expenses which may be incurred and for all against which we should and may protest in such cases.

And speaking as aforesaid we left a copy of these presents with him at his domicile so that he cannot plead or pretend ignorance thereof.

Thus done and notified under number eight thousand two hundred and ten, at the domicile of the said Eugene Hamond, on the day and on the year first aforesaid, on being required so to do and after its having been read.

(Signed) F. X. GENDREAU.

ST. THOMAS, MONTMAGNY,
19th February, 1877.

SIR,—I have the honor to forward you a copy of a judgment of the Magistrate's Court for the County of Montmagny, authorizing me to preside over a public meeting which was to have been held to-day, the 19th day of February, for the purpose of electing a Councillor for the South Ward of the Municipality of Montmagny.

In accordance with the copy of the judgment which had been served on me as provided by article 361, I did not preside over such meeting because the legal notice, as required by article 362 of the Municipal Code, and in virtue of the enclosed judgment, was not given.

I also enclose herewith the protest served on me this day, the 19th of February, and I therefore recommend that Jules Bélanger, ratepayer, elector and proprietor, be appointed to fill the vacancy caused by the setting aside of the election of Mr. Eugene Fournier, as appears by the said judgment.

I have the honor to be,

Sir,

Your very humble servant,

(Signed) EUGENE HAMOND,

President

To the Honorable

LUC LETELLIER DE ST. JUST,
Lieutenant-Governor, Quebec

MONTREAL TELEGRAPH COMPANY,

QUEBEC, 7th March, 1877.

By telegraph from St. Thomas Village.

To A. R. ANGERS,

The public notice for election of councillor in question, on nineteenth February last, was posted up by the Mayor on the evening of the seventeenth February. As secretary I was not aware of it.

(Signed)

J. S. VALLÉE,
Secretary-Treasurer.

PROVINCE OF QUEBEC,

QUEBEC, 9th March, 1877.

SIR,—I have the honor to inform you that His Excellency the Lieutenant-Governor has been pleased to appoint Mr. Jules Bélanger, Municipal Councillor for the South Ward of the Village of Montmagny, in the place of Mr. Eugène Fournier, whose election is set aside.

Please notify that gentleman of his appointment.

I have the honor to be, Sir,
Your obedient servant,

(Signed)

PH. J. JOLICŒUR,
Assistant-Secretary.

J. S. VALLÉE, Esquire,
Secretary Treasurer.
St. Thomas Village, Co. Montmagny.

SECRETARY'S OFFICE.

QUEBEC, 27th March, 1877.

The appointment of Jules Bélanger, as Municipal Councillor for the South Ward of the village of Montmagny, is hereby revoked.

By order,

J. A. CHAPLEAU,
Secretary.

Approved 27th March 1877.

(Signed)

L. LETELIER.

PROVINCE OF QUEBEC.

QUEBEC, 27th March, 1877.

SIR,—I have the honor to inform you that His Excellency the Lieutenant Governor has thought proper, after having obtained more ample information, to revoke your appointment as Municipal Councillor for the South Ward of the Village of Montmagny.

I have the honor to be, Sir,
Your obedient servant,

(Signed)

PH. J. JOLICŒUR,
Asst. Secretary.

JULES BELANGER, Esq.,
Montmagny.

CANADA, PROVINCE OF QUEBEC.

Municipality of the Village of Montmagny.

At a meeting of the municipal electors of the South Ward of the corporation of the Village of Montmagny, held on the nineteenth day of February instant, at ten o'clock in the forenoon, in accordance with a judgment rendered by the Magistrate's Court for the county of Montmagny, on the thirty-first day of January, eighteen hundred and seventy-seven, which said meeting was held in the house of the Pont Regent, situate within the limits of the aforesaid South Ward;

Eugène Hamond, esquire, the person appointed by the Court to preside over the said meeting, having refused to preside over the said meeting although called upon to do so by the electors present; The undersigned, Mayor of the said municipality of the Village of Montmagny, acting as magistrate *ex-officio*, and as such the senior magistrate present at the said meeting, presided over such meeting.

Eugène Fournier, having been proposed by Louis Dion, Hermenegilde Boulanger and other electors of the said South Ward of the Corporation of the Village of Montmagny, as councillor for the said quarter, was nominated and as no other person was proposed by the said meeting in opposition to the appointment of the said Eugène Fournier, during the space of one hour after the said motion, I proclaimed the said Eugène Fournier, as councillor duly elected for the South Ward, of the Village of Montmagny.

In faith of which I have signed these presents at Montmagny, on the 19th day of February, 1877.

(Signed) N. BERNATCHEZ,

Mayor.

Magistrate *ex-officio* presiding over the said meeting.

True copy,

(Signed) N. BERNATCHEZ,

Mayor.

MONTMAGNY, 19th March, 1877.

To the Honorable

J. A. CHAPLEAU,

Provincial Secretary, Quebec.

SIR,—I regret to learn from your letter of the 16th instant, that His Excellency the Lieutenant-Governor has been advised not to revoke the appointment of Mr. Jules Bélanger, as municipal councillor for the South Ward, in the Village of Montmagny. Article 362 of the Municipal Code says that "The omission to give this notice prevents a meeting of the municipal electors from being held," but there was no such omission since notice was given on the 17th February, as you have been informed by the ex-Secretary-Treasurer.

Article 295 says that in the case of every general election "The omission to give such public notice does not prevent the meeting of the municipal electors from being held."

The rate-payers have the same interest in either case; it was evident that it was only by inadvertence that Article 362 was not amended in the same manner as Article 295 by the 36 Vic., cap. 21, s. 7.

Article 16 says: "No objection founded upon form, or upon the omission of any formality even imperative, can be allowed to prevail in any action, suit or proceeding respecting municipal matters."

An undisputed fact exists, and that is that on the nineteenth of February, eighteen hundred and seventy-seven, a meeting of the rate-payers of the South Ward of the Village of Montmagny, was held for the purpose of electing a Municipal Councillor.

That the said meeting was held in virtue of a judgment rendered by the Magistrate's Court.

That a public notice of the said meeting was posted up at the church door, and on the house in which the poll was held for the said South Ward; and the said notice was read in a loud and intelligible voice by the undersigned, at the church door after Grand Mass, on Sunday, the eighteenth of February last, as appears by a certificate under oath filed amongst the archives of the Council.

That the presiding officer appointed by the said Court, having refused to preside over the said meeting, I was called upon to preside.

That Mr. Eugène Fournier having been nominated, and no other candidate having been proposed to oppose him, after the delay fixed by law, he was declared elected by acclamation.

That Mr. Eugène Fournier has been duly sworn in as Municipal Councillor, and has exercised and still does exercise the functions of such municipal office as appears by the copy of the *procès-verbal* of the votes and proceedings of the Municipal Council of the Village of Montmagny of the meeting held on the twenty-third February last, which I have the honor to transmit you to be laid before His Excellency with these presents.

You will observe by the copy of the said *procès-verbal* that all the members of the council were present at the said meeting, and that not one of them made any objection to Mr. Fournier taking his seat.

I am informed by distinguished lawyers that the election of Mr. Eugène Fournier, even supposing it was irregular, can only be annulled and set aside by the judgment of a competent Court, that so long as it has not been annulled by a Court of Justice, and Mr. Eugène Fournier holds his seat of Municipal Councillor, His Excellency the Lieutenant-Governor has no right to appoint another Councillor in his place.

That His Excellency the Lieutenant-Governor having appointed Mr. Bélanger to replace Mr. Eugène Fournier before the election of the latter had been set aside, the appointment made by His Excellency is altogether null.

Notwithstanding the profound respect which the Municipal Council of the village of Montmagny has for His Excellency the Lieutenant-Governor, and for all the orders issued in his name, being convinced that the appointment of Mr. Bélanger as Councillor, was made irregularly and illegally, and that to submit thereto would be to waive the rights and privileges secured to every citizen by the constitution and laws of this country, the majority of the Council opposes, and will firmly oppose, the admission of Mr. Jules Bélanger into its midst.

I have the honor to be, Sir,

Your obedient servant,

(Signed) N. BERNATCHEZ,

Mayor.

DEPARTMENT OF THE LAW OFFICERS OF THE CROWN.

QUEBEC, 15th March, 1877.

Having taken communication of the petition of N. Bernatchez, Mayor of Village of Montmagny, dated 10th of March instant, and received on the 13th of the same month, praying for the cancelling of the appointment of Jules Bélanger as Municipal Councillor for the South Ward of the said Village of Montmagny, and representing that His Excellency the Lieutenant-Governor has been deceived and led into error, and that the said appointment was made on false representations, I have the honor to report as follows:

The record on which I based my opinion when I recommended the said appointment to His Excellency, establishes that the notice required by law for the calling together of the meeting of municipal electors for the new election ordered by the Court, was not given. A telegram from the secretary-treasurer of the said muni-

pality establishes that the notice of the meeting which was to be held on the nineteenth of February last, was only posted up on the evening of the seventeenth by the Mayor, N. Bernatchez.

The record also contains a protest calling upon the presiding officer appointed by the judgment not to hold the election, owing to the notice of the meeting required by law not having been given.

All these documents, with a letter from the presiding officer appointed by the judgment establishing that he had not presided over the meeting, have been submitted to His Excellency with my report recommending the appointment of Jules Bélanger.

Article 362 of the municipal code requires that in the case of an election ordered by a judgment of the Court, a public notice be given of the holding of a meeting called together for such purpose.

By article 238 such notice must be given at least seven clear days before the day fixed for the meeting.

Article 362 says that the omission to give this notice prevents the meeting from being held.

The petitioner Mr. Bernatchez, in support of his request for the cancelling of the said appointment does not allege that the notice required by Article 362, without which the meeting could not be held, was given; he does allege only, in support of his request, the fact that, on a certain occasion (on which a meeting of electors could not even be held) he proceeded to make a pretended election.

A party cannot derive any advantage or create any presumption in his favor, from the fact that he contravened Article 362.

The pretended election held by the petitioner Bernatchez on the day on which a meeting of electors could not take place, is not only liable to be cancelled, but it is of itself completely null.

I am of opinion that the appointment made by His Excellency of Jules Bélanger, as municipal councillor for the south ward of the village of Montmagny, was legally made and should not be set aside.

(Signed) A. R. ANGERS,
Attorney-General.

PROVINCE OF QUEBEC,
Secretary's Office,
Quebec, 16th March, 1877.

SIR,—In reference to the petition forwarded by you on the 10th of this month respecting the appointment of Mr. Jules Bélanger, as Municipal Councillor for the south ward of the village of Montmagny, I have the honor to inform you that the appointment made by His Excellency the Lieutenant-Governor cannot be cancelled. It has been shewn to His Excellency that the notice required by law, for calling together the meeting of municipal electors for the purpose of holding the election ordered by the judgment of the court, was not given. A telegram from the Secretary-Treasurer of the said municipality establishes that the notice of the meeting which was fixed for the nineteenth of February last, was only posted up in the evening of the seventeenth by yourself.

There has also been produced a protest calling upon the presiding officer appointed by the judgment not to hold the election, as the notice of the meeting had not been given as required by law.

All these documents, together with a letter from the presiding officer appointed by the judgment, establishing that he had not presided over the meeting, have been submitted to His Excellency with a report recommending the appointment of Mr. Jules Bélanger.

Article 362 of the municipal code requires that in the case of an election ordered by a judgment of the Court, a public notice be given of the holding of such meeting called together for such purpose.

By Article 238 this notice must be given seven clear days before the day fixed for the meeting.

Article 362 says that the omission of such notice prevents the holding of the meeting.

In support of your demand for the cancelling of the appointment, you do not allege that the notice required by Article 362, without which the meeting could not be held, was given; but you only base your request upon the fact that (on a certain occasion when a meeting of electors could not even be held) you proceeded to hold a pretended election.

A party cannot derive any advantage or create any presumption in his favor from the fact that he has contravened Article 362.

The election held by you on the very day on which a meeting of electors could not be held is not only liable to cancellation but is of itself completely null.

Therefore His Excellency has been advised not to cancel the appointment of Mr. Bélanger.

I have the honor to be,

Sir,

Your obedient servant,

(Signed) J. A. CHAPLEAU,

Secretary.

N. BERNATCHEZ,

Mayor, Montmagny.

EXTRACT from the register of the votes and proceedings of the Municipal Council of the Village of Montmagny.

At which meeting of the twenty-third of February, one thousand eight hundred and seventy seven, were present.

Nazaire Bernatchez, mayor, Francis X. Gendreau, Joseph Michon, Godefroi Létourneau, Louis Létourneau, Albert Fiset and Eugène Fournier, esquires, forming a quorum, the mayor presiding.

Mr. Gendreau, moved, seconded by Mr. Létourneau, that a public notice be given on Sunday next, at the close of Divine Service, that tenders for placing iron on the piers of the Regent Bridge will be received from now until Monday next, according to the specification to be furnished by the Secretary-Treasurer.—Carried.

Mr. Louis Létourneau moved, seconded by Mr. Godefroi Létourneau, that it be resolved and ordered by this council, that at the first sitting of this council, Jean Stanislas Vallée, Esquire, M.P., Secretary-Treasurer of the Municipal Council of the Village of Montmagny, do give to this council a legal statement of account showing the sums received by him in his quality of Secretary-Treasurer, of the expenses, contributions and taxes still due, giving in detail the name of each ratepayer, the amount paid by him and the date of payment, and that this statement be supported by vouchers.—Carried.

Mr. Gendreau moved, seconded by Mr. Michon, that the council do adjourn until Monday next the 26th February, to receive the tenders for placing iron on the facing of the Regent Bridge.—Carried.

(Signed) N. BERNATCHEZ,

Mayor.

J. S. VALLÉE,

Secretary-Treasurer.

PROVINCE OF QUEBEC,

Municipality of the Village of Montmagny.

I, Eugène Fournier, having been duly appointed councillor for the South Ward of the Corporation of the Village of Montmagny, do swear that I shall well and faithfully fulfil the duties of my office, and that to the best of my judgment and ability. So Help me God.

(Signed) EUGÈNE FOURNIER.

Sworn to this 23rd day of the month of }
February, 1877, at Montmagny, before }
me the undersigned Mayor.

(Signed) NAZAIRE BERNATCHEZ,

Mayor.

J. S. VALÉE,

Secretary-Treasurer.

Certified a true and faithful copy of the register of the votes and proceedings of the Council of the Village of Montmagny.

(Signed) NAPOLEON BELANGER,

Secretary-Treasurer.

Montmagny, 17th March, 1877.

MONTMAGNY, 10th March, 1877.

To His Excellency

The Honorable LUC LETELLIER DE ST. JUST,

Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY:

I take the liberty of respectfully informing you that on the 19th day of February last, Eugène Fournier, of the Village of Montmagny, was elected by acclamation municipal councillor for the South Ward of the said Village of Montmagny, at a meeting of the municipal electors of the said Ward, held in accordance with a judgment rendered by the Magistrate's Court for the County of Montmagny, dated the 31st January, eighteen hundred and seventy-seven, as appears by a copy of the minutes of the said meeting, which I have the honor to enclose herewith.

That the said Eugene Fournier has been duly sworn in as municipal councillor, and that he has already exercised and still exercises the duties of the said office.

The Council learns with regret that Your Excellency has been deceived and led into error, and that in consequence of false representations, Your Excellency being under the impression that the said seat was vacant, has appointed Jules Bélanger as the person to fill the place of Municipal Councillor for the said Ward.

Under the circumstances we respectfully hope, that in consideration of the facts elsewhere set forth, Your Excellency will be pleased to cancel the appointment of the said Jules Bélanger, so as to avoid the inevitable trouble to which this conflict of authority will give rise.

I have the honor to be,

Your Excellency's very humble servant,

(Signed) N. BERNATCHEZ,

Mayor.

(Translation.)

GOVERNMENT HOUSE,
QUEBEC, 19th March, 1878.

To His Excellency the Right Honorable
The Earl of DUFFERIN, K.P., K.C.B., G.C.M.G.,
Governor General of Canada,
Ottawa.

MY LORD,—The annexed explanatory case which I now address to Your Excellency, will, I am persuaded, have the effect of showing that I have always acted towards M. DeBoucherville and his colleagues with good will, and with every desire of affording to them co-operation during their tenure of office.

What might have tended to produce unfortunate conflicts between myself and my Cabinet was almost invariably smoothed over by my friendly desire to overlook the irregularities which I have noted in the present statement of facts.

I hope, my Lord, that the difficult position which I have been compelled to occupy, will be justified, not only because it is constitutional, but also because the conduct of my Cabinet endangered not only the prerogatives of the Crown, but also the most important interests of the people of this Province.

I have the honor to be, My Lord,

Your most obedient servant,

(Signed) L. LETELLIER,

Lieut.-Governor.

(Translation.)

GOVERNMENT HOUSE,
QUEBEC, 18th March, 1878.

To the Right Honorable
The Earl of DUFFERIN, K.P., K.C.B., G.C.M.G.,
Governor General of Canada, Ottawa.

MY LORD,—I have the honor now to submit for Your Lordship's consideration documents and details which I could not lay before the public, but from which it would have been more clearly understood that the dismissal of M. DeBoucherville's Cabinet was forced upon me by circumstances.

These details are not contained in the correspondence which I authorized M. DeBoucherville to place before the Houses, and which are hereunto annexed.

From the day that I was, by Your Excellency, raised to the position I occupy at present, all my private relations with the members of my Cabinet, up to the time of their dismissal from office, were, I must admit, generally of an agreeable nature; but in those of an official character, with the Premier, I almost invariably felt that I did not enjoy that entire confidence on his part, which is the chief element of a cordial understanding between the Representatives of the Crown and his advisers.

After having studied the general state of the affairs of our Province, after having become convinced that legislative and administrative changes were becoming more and more necessary, I decided upon using with moderation, and with the greatest possible discretion, the influence attached to my position, in order to obtain the realization of that which I deemed to be of the greatest advantage to the Province.

I regret to state to Your Excellency that, although M. DeBoucherville did, on most occasions, take my advice in good part and generally approved of it, he, nevertheless, almost always acted as though he had never received it. Nevertheless, far from using my authority to obstruct his action in any way, I invariably treated him with great indulgence, as will appear to Your Excellency by the following facts:—

1st. During the Session of 1876, a Bill had been read three times in one of the two branches of the Legislature, and only twice in the other.

This Bill, bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted, was submitted to me by the Premier for my sanction.

In consequence of being left in ignorance of these facts by my advisers, I sanctioned the Bill.

Not long afterwards I was informed of the irregularity, and immediately spoke of it to the Premier; I made the observation that such an act would entail too serious consequences to allow of its being passed over.

As a favor to him, however, I passed over this instance of irregular legislation, which was then irreparable.

2nd. During the same session another Bill was submitted to me for my sanction. On examining it, I perceived a blank which had not been filled up, which I pointed out to the Premier in the following letter:—

“(Private.)

“QUEBEC, 27th Dec., 1876.

“MY DEAR PREMIER,—A Bill (E) which originated in the Council, was passed by the Legislative Assembly without amendment; upon reading it, before adding my certificate of sanction, I noticed that a blank had not been filled up in the seventh line of the sixth section.

“You followed the usual practice in not fixing the amount of the penalty in the Legislative Council; but the matter passed unperceived, or the officers, through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof-sheets.

“While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word ‘*amender*’ is in the infinitive mood. I notice this latter accuracy, to which I do not attach much importance, only because I discovered another in an Act in which I had to point out to you, an omission which I consider fatal.

“Yours, very truly,

“(Signed)

L. LETELLIER.”

The Premier came to me and said that he regretted the omission; he requested me to give my sanction to the Bill in the state in which it was. The conciliatory spirit which I showed in granting my consent seemed to please him.

3rd. In March, 1877, (*vide* Appendix A), my advisers caused me to make an appointment of a Municipal Councillor for the South Ward of the Village of Montmagny, under the pretext that there had been no election, or that if such election had taken place, it was illegal.

The whole of the circumstances connected with this case, I deem it my duty to explain to Your Excellency, on account of the important principle involved therein.

After due personal examination of the petitions and other accompanying documents relating to that election, I called on the Premier, at his own office, to beg of him not to hurry the appointment which he was asked to make of a Municipal Councillor for that locality, before receiving more ample information.

I pointed out to him that it appeared that a municipal election had taken place, and that in such case, as a principle, the Executive Council should not interfere.

I added that from the moment that a legal, or even an illegal election had taken place, the duty of deciding it rested with the Courts in accordance with the ordinary course of law, of which they are the interpreters.

I then intimated to Mr. DeBoucherville that I maintained, on principle that all matters cognizable by the Judiciary should be invariably left to the Courts, which from their organization, are better fitted than the Executive to inquire into matters of fact and of evidence, and that I would never allow the substitution of the powers of the Executive for those of the Courts, when the latter had jurisdiction.

The Premier admitted that this opinion and the principles on which I based it were in conformity with his ideas, and necessary for the proper administration of justice. He asked me if I would consent to see Mr. Angers, the Attorney-General, on the subject.

I at once consented, and the Attorney-General was immediately sent for; the facts connected with that election difficulty, and my views regarding them, were then communicated to him. He promised that before any appointment should be made by the Lieutenant Governor, he would make inquiry.

Shortly afterwards he reported to me that he had made an inquiry into the facts of the case, and, at his suggestion, I appointed Jules Bélanger to be Councillor.

In the beginning of March, 1877, difficulties and quarrels arose at Montmagny in consequence of that election.

After that appointment those quarrels broke forth afresh in the Municipal Council itself, from which the Councillor, whom I had thus been caused to appoint, was expelled with violence. That appointment I was recommended to make, notwithstanding the fact that an election had taken place; that it had been held and presided over by the Mayor, that Eugene Fournier had been returned by acclamation; that he had been sworn in according to law, and that, at the very time when the appointment of Jules Bélanger was recommended to me, the person thus elected had in fact taken his seat, had been sworn, and had sat at the said Council as appears by the Minutes of the Council.

When I afterwards learned these facts, I communicated them to the Premier, whom I requested to prepare a revocation of the appointment which I had thus been caused to make, contrary to the principle above set forth, and the justice of which he had himself admitted.

The Premier answered that the matter was of a very delicate nature, as such a proceeding would be contrary to the recommendation of Mr. Angers, his Attorney-General; he concluded by saying that he would get him to prepare a report on the subject.

I received that report some days later. After having read it, I again intimated to M. DeBoucherville, that in the interests of peace, and in conformity with the principle that the Executive should not be substituted for Judicial power in matters within the province of the latter, I insisted upon the revocation being made.

After waiting several days for an answer, and not having received any from the Premier, I addressed a letter to him, of which the following is a copy:—

"(Private and Confidential.)"

“QUEBEC, 14th March, 1877.

“MY DEAR DEBOUCHERVILLE,—I have not received any answer on the subject of the appointment of a Councillor at Montmagny.

“Those who deceived the Government in order to induce me to perform an Executive act in connection with a question which they then knew to be within the Judicial power, do not, in my opinion, deserve consideration which cannot but be injurious to the Government and myself.

“The remedy is very simple—rescind the appointment—allow the parties interested to fight it out before the Courts.

“Yours very truly,

“(Signed)

L. LETELLIER.”

If, my Lord, I insist upon this latter point, it is to show Your Excellency that the Prime Minister was then perfectly aware of my views on that point, and should not, in consequence, have introduced, during the last Session of our Legislature, any legislative measure or performed any administrative act tending to substitute Executive for Judicial power, without notifying me, and especially without advising me on the subject.

It was easy for the Premier to understand from my remarks and the frequent conversations which I had with him, that I could not consent to see Her Majesty's subjects despoiled of the right guaranteed to them by Magna Charta; that their property should never be interfered with, except in virtue of a judgment rendered by the tribunals of the country.

4th. On the 19th March, 1877, being on the eve of absenting myself for a few days, I wrote to the Honorable Mr. Chapleau, and in a postscript I said, "Please oblige me by telling the Premier that if he needs my concurrence, Mr. Gauthier may bring down to me the documents requiring my signature."

M. DeBoucherville should have understood from that, that if I was ready to give him my concurrence, it was on condition of having all documents submitted to me before signing them.

I leave you, my Lord, to judge in what manner my views were interpreted.

5th. Under date of the 6th of November last, I addressed to the Honorable M. DeBoucherville the letter of which the following is a copy:—

"(Private.)

"QUEBEC, 6th November, 1877.

"MY DEAR DEBOUCHERVILLE,—In the last *Official Gazette* were published under my signature, two proclamations which I had not signed.

"One was for the summoning of Parliament, which I had reserved in order to confer with you; the other, which I did not even see, appoints a day of Thanksgiving.

"These proceedings, the nature of which I shall not characterize, entail, apart from their impropriety, invalidities which you will easily understand.

"Yours very truly,

"(Signed) L. LETELLIER.

"The Hon. C. B. DEBOUCHERVILLE,
"Premier."

The following are the notes which I took of the conversation which I had with Mr. DeBoucherville on the subject.

"Mr. DeBoucherville came on the same day he received the letter, to tell me that he regretted the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used, when necessary for any duty of my office, unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me; which M. DeBoucherville assured me would be the course followed in future.

"(Signed) L. L."

6th. But, my Lord, there is another point still more important, which I cannot any longer refrain from mentioning.

From the conversations which I have held with M. DeBoucherville, there results a fact, which, if it were known, would, of itself, have sufficiently justified me in believing that he did not possess the confidence of the people of this Province.

On two different occasions, some time after the Session of 1876, I pointed out to him that millions had been voted to aid railways in general, at a time when our finances did not appear to me to be in a condition to warrant, all at once, a lavish expenditure in subsidizing these numerous undertakings, particularly as, apart from that, our credit was so heavily pledged towards the building of the "Quebec, Montreal, Ottawa and Occidental Railway."

He very frankly avowed that these grants, though they were for the development of the Province, had been necessitated by political considerations; that without them, the support of the members whose counties were traversed by those railways, would cease to be secured to Government; that there would be no means of having a majority; that those members formed combinations—"Rings"—to control the House.

M. DeBoucherville is not unaware that I thereupon told him that it was better to save the Province than a Government, and that if his Administration was not strong enough to resist those influences, it would be better for him to form a combination of honest and well meaning men, from both sides of the House, rather than submit to the dictation of those "Rings," and to the control of those combinations.

When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those "Rings," when by his legislation he sought to favor them anew during the last Session, without having previously advised with me, had I not the right, as the representative of my Sovereign, to believe and to be convinced that Mr. DeBoucherville did not possess a constitutional majority in the Legislative Assembly?

7th. In communicating to both Houses my memoranda of the 25th February and 1st March last, the Premier and Mr. Attorney-General Angers, in violation of their duty, overstepped the authorization which I had given by my letter of the 4th of March last for that purpose. They added to that communication a report of pretended conversations, the correctness of which I contest, and the impropriety of which I maintain.

I shall point out, my Lord, one fact alone to prove that incorrectness and that impropriety. The Hon. Messrs. DeBoucherville and Angers, in their explanations to the two Houses, lay great stress on the telegram which M. DeBoucherville dispatched to me at Rivière Ouelle, to ask my permission to introduce resolutions concerning the finances, and on the blank signature that I sent up in answer to it.

But these gentlemen themselves had that blank signature filled up by my private Secretary, so as to give to the telegram the meaning which I attributed to it, namely, a request for permission to introduce the supplies. The following is a copy of the Message produced with that blank signature:—

"Mr. Treasurer Church presented a Message from his Excellency the Lieutenant-Governor as follows:—

"L. LETELLIER—

"The Lieutenant Governor of the Province of Quebec transmits to the Legislative Assembly the Supplementary Estimates for the current year and for the fiscal year ending 30th June, 1879, which, in conformity with the provisions of the 54th Section of the British North America Act, 1867, he recommends to the Legislative Assembly.

"GOVERNMENT HOUSE,
"QUEBEC, 30th January, 1878."

My Ministers never had, by their own admission, any other authorization from me for the introduction of their railway and taxation resolutions than the blank signature above mentioned, in which not a word is said of them. Besides which, it will be noticed that the railway resolutions were introduced on the 20th January, whereas the message is dated the 30th.

It is for this reason, my Lord, that I bring to your knowledge all the facts and details which are connected with the relations which I have had with M. DeBoucherville and his colleagues.

Were the controversy with me alone, as a private individual, I would abstain from any remonstrance against the injustice of their reflections upon the conduct of the Representative of the Crown, which they have made in violation of their duty; but in this matter the maintenance of the constitution is at stake.

If, without any authority from me, proclamations have been published which I never signed, is it surprising that Messages were communicated in my name to the Houses respecting which I had never been consulted?

It is because, as the Representative of my Sovereign, I have been unjustly and shamefully dragged before the public that I make known to you, my Lord, that, in the performance of my duty as Her Representative, my object has not only been to protect the dignity of my office but to afford to the people of this Province an oppor-

tunity of knowing that, under existing circumstances, the exercise of the Royal Prerogative has not been hostile to their constitutional liberties; but, that, on the contrary, it has afforded them the means of freely exercising their judgment.

There results, my Lord, from what I have now stated:—

1st. That in general the recommendations which I made to my Cabinet did not receive the consideration which is due to the Representative of the Crown.

2nd. That my name has been used by the members of the Government in the signature of documents which I had never seen.

3rd. That a Proclamation summoning the Legislature was published in the *Official Gazette* without my being consulted or informed of it, and before my signature had been attached thereto.

4th. That a like Proclamation fixing a day of Thanksgiving was also published under similar circumstances.

5th. That, although I had intimated to the Premier by my advice, and by my letter of the 14th March, 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the Executive in matters within the jurisdiction of the courts of Justice, he thought proper, without my participation and without advising me, to propose to both Houses, in legislating for the "Quebec, Montreal, Ottawa and Occidental Railway," to substitute the power of the Executive for that of the Judiciary.

6th. That, without having advised me, and without having received authorization of any sort whatever from me, the government of Mr. DeBoucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, &c., while no Message from me had been asked for this object, nor signed by me to authorize its proposition to the Houses.

7th. That, after its dismissal, the Government of Mr. DeBoucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day, different from those agreed on between myself and the Premier at the risk of prejudicing public opinion against the Representative of the Crown.

8th. That at the time of the communication of the causes which rendered necessary the dismissal of the Cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly, both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature, since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communication to both Houses, of my memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and of the 2nd and 4th March instant.

9th. That, therefore, the additions and the comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly, were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier.

10th. That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown and to what they had pledged themselves to observe with regard to it, have placed the Lieutenant-Governor under the necessity of bringing under the notice of Your Excellency all the reasons for that dismissal.

I have the honor to be, my Lord,

Your Excellency's most obedient servant,

(Signed) L. LETELLIER.

Lieutenant-Governor.

(Transl

In J
of Mont
ordered

On
Mayor o

The
Eng

meeting
mended

Eng
office an

On
pointme
month.

On
Lieuten
pointme

On
the appo

On
a report

(Transl

The
and 1st

to those
March)

Th
the Hon
formati

Th
ment fr

To the

(Transl

Yo
day's d
explan

APPENDIX A.

(Translation.)

SUMMARY OF OFFICIAL RECORD.

In January, 1877, an election had taken place for the South Ward of the Village of Montmagny. That election having been declared null and void by the Court, it ordered a fresh election, and appointed Eugène Hamond to preside thereat.

On the day fixed, Eugène Hamond refusing to preside, Naz Bernatchez, Esq., Mayor of the Municipality, the Senior Magistrate present, presided.

The meeting elected Eugène Fournier.

Eugène Hamond wrote to the Lieutenant-Governor he had not presided at the meeting, without adding, however, that there had been no election. He recommended at the same time, that Jules Bélanger be appointed.

Eugène Fournier, elected at the meeting of the 19th February, took the oath of office and took his seat on the 23rd February.

On the 3rd of March, the Attorney-General (Mr. Angers) recommended the appointment of Jules Bélanger, who was accordingly appointed on the 7th of the same month.

On the 10th of March, Mr. Bernatchez, Mayor of Montmagny, addressed to the Lieutenant-Governor a memorial setting forth the facts, and praying that the appointment be cancelled.

On the 15th of March, the Attorney-General made a report, recommending that the appointment of Jules Bélanger be maintained.

On the 27th of March, the Lieutenant-Governor revoked that appointment, on a report of the Government.

APPENDIX B.

(Translation.)

QUEBEC, 4th March, 1878.

The Lieutenant-Governor desires that his two memoranda (of the 25th February and 1st March), addressed to the Hon. M. DeBoucherville, and the answers made to those memoranda by the Hon. M. DeBoucherville (of the 27th February and 3rd March), be not now communicated to both Houses.

That communication, authorized by the Lieutenant-Governor at the request of the Hon. M. DeBoucherville, should be made as soon as the arrangements for the formation of a new Executive Council are completed.

The Hon. M. DeBoucherville may communicate to the Houses that the adjournment from day to day is rendered necessary by the last mentioned cause.

(Signed) L. LETELLIER.

To the Hon. C. B. DEBOUCHERVILLE,
Quebec.

(Translation.)

QUEBEC, 4th March, 1878.

YOUR EXCELLENCY.—In conformity with your wish expressed in a letter of today's date, I shall withhold, until the formation of a new Executive Council, the explanations I was authorized by Your Excellency to communicate to the Houses.

I have the honor, &c.,
(Signed) C. B. DEBOUCHERVILLE.

(Translation.)

GOVERNMENT HOUSE,
QUEBEC, 25th February, 1878.

The Lieutenant-Governor desires the Executive Council to prepare, for his consideration, a "factum" containing a copy of the following documents, viz:—

1. A copy of the Acts of the Federal Parliament authorising the construction of the railway now known under the name of "Quebec, Montreal, Ottawa and Occidental Railway," as well as a copy of the Acts of the Legislature of the Province of Quebec respecting the said railway.

2. A copy of the Acts of the Legislature of the Province of Quebec, respecting the building of the railway between Quebec and Montreal, which line is commonly designated by the name of "North Shore Railway."

3. A copy of the by-laws of each of the municipal corporations by which they undertook to help in constructing the said railways.

4. A statement of the amount of the bonus paid by each of those corporations, and a copy of the correspondence between the Government, its Commissioners or the contractors for the said railways, and the aforesaid municipalities, with regard to their bonus or subsidy.

5. A copy of the various contracts entered into for the building of those several roads.

6. A copy of the official or confidential reports of the Engineers who have been ordered to locate those lines of railway in whole or in part.

7. A copy of the report of the Railway Commissioners submitted to the Houses, during the present Session, with regard to the said railways.

8. A copy of the representations made to the Government by the municipal bodies so interested, of the ratepayers of those municipalities, with regard to the conditions of their bonus or subsidy.

9. A copy of the resolutions which have been proposed to the Provincial Legislature during the present Session, with regard to the aforesaid subsidies, and to facilitate the payment and collection thereof.

10. A copy of the Bill based on those resolutions which has been introduced in the Legislature of Quebec during the present Session.

11. A plan showing the several locatings of each of the said railways or of any part of them.

12. A statement of the reasons which led the Provincial Government not to be satisfied with the provisions of the statutory and public law, and of the civil code of this Province for the recovery of any sums of money which may be due by those corporations, but, without previously advising in any way with the Lieutenant-Governor, to propose *ex post facto* legislation, to compel them to pay.

Another very important Bill, to make provision for levying new taxes, has also been proposed to the Legislature, without having been previously submitted for the consideration of the Lieutenant-Governor.

The Lieutenant-Governor quite understands that propositions of secondary importance, and on which he has been previously officially informed, may be, as matter of routine, proposed to the Houses, without a special order from himself; but he cannot in any way permit that the Executive should make communications in his name to the Legislature, with regard to measures which are of a new and important character, without his special authorization, and without his having been previously fully informed and advised in respect thereof.

(Signed)

L. LETELLIER,

Lieutenant-Governor.

(Translation).

QUEBEC, 27th February, 1878.

To His Excellency the Lieutenant-Governor
of the Province of Quebec.

YOUR EXCELLENCY,—I have the honor to acknowledge receipt of the memorandum which your Excellency caused to be handed me yesterday afternoon by your Aide-de-Camp, who informed me at the same time that you were ill in bed.

I have submitted that memorandum to the Executive Council, and will see, as your Excellency desires, that diligence is used to cause all the documents asked for to be transmitted to you as soon as possible.

Anticipating the factum which your Excellency wishes to have, and which will contain a more detailed statement of the motives which have induced the Provincial Government to propose the measures to which you draw my attention, I deem it my duty to represent to you :

That, amongst others, the reasons which led the Government to submit to the Legislature a law compelling the municipalities to pay their subscriptions towards building the Provincial Railway, on the decision of the Lieutenant-Governor in Council, under a sworn report of a competent engineer, and after a fifteen days notice, to give those municipalities an opportunity of being heard, are the manifestations of bad faith of certain municipalities, shown in certain cases by their neglect to respond to the calls of the Treasurer, in others by their formal refusal to pay, and in certain cases by resolutions adopted demanding new conditions in respect to the agreements they had entered into with the Government.

The Government believed that, without such legislation, the object of which is to avoid the slowness of ordinary judicial proceedings, the result of the bad faith of the municipalities would have been either to necessitate a new loan by the Province, and therefore an unjust charge upon municipalities who had entered into no agreement, and who are to derive no immediate advantage from the construction of the road or to put a complete stop to the works begun, with the inevitable loss of the interest on the enormous capital already invested in the enterprise, and the other damages which would result. The Government, firstly obliging itself by that law to fulfil the conditions agreed upon with those municipalities, believed that in substituting for the ordinary courts the Lieutenant-Governor with an Executive Council, responsible to the Legislature and to the people, they were offering to parties interested a tribunal which insured them as many guarantees as the ordinary courts.

I would further bring under your Excellency's notice that provisions of a similar nature to this legislation exist already in our Statutes. I may cite to your Excellency Chap. 83 of the Consolidated Statutes of Canada, and also Chap. 47 of 36 Vict. of the Statutes of Ontario.

I respectfully submit to your Excellency that a law framed to better assure the execution of a contract cannot produce a retroactive effect; it enacts for the future, and has for its end the respective interests of both parties.

I would now beg your Excellency to observe that while you were at Rivière Ouelle, I had the honor to ask your authority to put the question of finance before the House, and that you kindly answered, stating you were forwarding through the mail a blank, which act I took at that time as a great mark of confidence on your part. I received, in fact, a blank, with your signature, and I gave it to the Treasurer who had it filled up by your Aide-de-Camp. Later I had the honor to ask your Excellency for a general permission to submit to the House measures concerning money matters, which your Excellency gave me with your ordinary courtesies.

That permission, I may say, has always been granted me by your predecessor, the late lamented Mr. Caron. I must admit that with that permission, and being convinced Your Excellency had read the Treasurer's speech, in which he announced the taxation subsequently proposed, I considered myself authorized to tell my colleagues that I had your permission for all money measures.

I beg your Excellency to believe that I never had the intention of assuming the right of having measures passed without your approbation, and that in this case, having had occasion to confer with you with regard to the law respecting the Provincial Railway, and not having orders to suspend it, I did not think your Excellency would see in that measure any intention on my part of disregarding your prerogatives, which nobody is more disposed to respect and uphold than myself.

I have the honor, &c., &c.,

(Signed) C. B. DEBOUCHERVILLE,

(Translation.)

GOVERNMENT HOUSE.

QUEBEC, 1st March, 1878.

To the Hon. C. B. DEBOUCHERVILLE,
Prime Minister, Quebec.

The Lieutenant-Governor, taking into consideration what the Prime Minister communicated to him verbally (27th Feb.), and taking into consideration the letter which the Premier then handed to him, is ready to admit that there was no intention on the part of the Premier to disregard the prerogatives of the Crown, and that there has been on his part only an error committed in good faith, in interpreting, as he did, the words of the Lieutenant-Governor in their interview of the 19th February instant—words which did not convey the sense of authorization which the Premier attached to them.

With such an interpretation, and the instructions which were in consequence given by the Premier to the Hon. Messrs. Angers and Church, those gentlemen have done nothing, knowingly, not in conformity with the duties of their office.

As to the blank which the Lieutenant-Governor sent him from Rivière Ouelle, the Lieutenant-Governor knew that that blank would be used to lay the Estimates before the House.

That act was a mark of confidence on his part, as the Premier characterises it in his letter of the 27th, but that act was confidential.

The Lieutenant-Governor deems it right to observe that, in his memorandum of the 25th February inst., he in no way expressed the opinion that he believed that the Premier ever had the intention of taking upon himself the right "of having measures passed without his approbation, or of disregarding the prerogatives of the Representative of the Crown."

But the Prime Minister cannot lose sight of the fact that, although there was no intention on his part, in fact the thing exists, as the Lieutenant-Governor told him.

The fact of having proposed to the Houses several new and important measures without having previously in any way advised the Lieutenant-Governor thereof, although the intention of disregarding his prerogatives did not exist, does not the less constitute one of those false positions which place the Representative of the Crown in a critical and difficult position with regard to the two Houses of the Legislature.

The Lieutenant-Governor cannot admit that the responsibility of this state of affairs should rest with him.

With regard to the Bill intitled: "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway," the Premier cannot claim for that measure the asserted general authorization which he mentions in his letter, for their interview was on the 19th February, and that Bill was before the Legislature several days before that date, without the Lieutenant-Governor having been, in any way, informed of it by his advisers.

The Lieutenant Governor expressed, at that time, to the Premier, how much he regretted that legislation; he represented to him that he considered it contrary to the principles of law and justice; notwithstanding that, the measure was carried through both Houses until adopted.

It is true that the Premier gives in his letter, as one of the reasons for acting as he did, "that this permission of using the name of the Representative of the Crown, had, besides, always been granted him by the predecessor of the present Lieutenant-Governor, the late lamented Mr. Caron."

This reason cannot be one for the Lieutenant-Governor, for, in so acting he would have abdicated his position as Representative of the Crown, which act neither the Lieutenant-Governor nor the Premier could reconcile with the obligations of the Lieutenant-Governor towards the Crown.

The Lieutenant-Governor regrets having to state, as he told the Premier, that he has not been informed, in general, in an explicit manner, of the measures adopted by the Cabinet, although the Lieutenant-Governor had often given the Premier an opportunity to do so, especially during last year.

From time to time, since the last Session of the Legislature, the Lieutenant-Governor has drawn the attention of the Premier to several subjects regarding the interests of the Province of Quebec, amongst others: 1st.—The enormous expenditure occasioned by very large subsidies to several railways, while the Province was burdened with the construction of the great railway from Quebec to Ottawa, which should take precedence of the others; and this, when the state of our finances obliged us to undertake loans disproportioned to our revenue.

2nd. The necessity of reducing the expenses of the Civil Government, and of the Legislature, instead of having recourse to new taxes, in view of avoiding financial embarrassment.

The Lieutenant-Governor expressed also, but with regret, to the Premier, that the Orders passed in Council to increase the salaries of Civil Service servants seemed to him inopportune, at a time when the Government were negotiating with the Bank of Montreal a loan of half a million, with power to increase that loan to \$1,000,000, at a rate of interest of 7 seven per cent.; and indeed, even to-day (1st of March), the Lieutenant-Governor is obliged to allow an Order in Council to be passed to obtain the last half million for the Government, without which the Government would be unable to meet its obligations, as I was informed by the Hon. the Provincial Treasurer, to-day, by order of the Prime Minister.

The Premier did not let the Lieutenant-Governor know, then or since, that the Government were in such a state of penury as to necessitate special legislation to increase public taxation.

Therefore the Lieutenant-Governor said and repeated these things to the Premier, and he deems it advisable to record them here, that they may serve as memoranda for himself and for the Premier.

It therefore results: 1st. That although the Lieutenant-Governor has made many recommendations in his position as Representative of the Crown to the Premier on these different subjects of public interest, his advisers have undertaken a course of administrative and legislative acts contrary to these recommendations, and without having previously advised him.

2nd. That the Lieutenant-Governor has been placed, without evil intention, but in fact, in a false position, by being exposed to a conflict with the will of the Legislature, which he recognises as being, in all cases, supreme, so long as that will is expressed in all constitutional ways.

The Lieutenant-Governor has read and examined carefully the memorandum and documents which the Premier was kind enough to bring him yesterday.

There are, in the record, petitions from several municipal corporations and from citizens of different places, addressed to the Lieutenant-Governor, against the resolutions and the Government Bill, with regard to the "Quebec, Montreal Ottawa and Occidental Railway."

The Lieutenant-Governor was only yesterday able to take cognizance of some of these petitions, as they had not been communicated to him before he received them in the record.

The Lieutenant-Governor, after having maturely deliberated, cannot accept advice of the Premier with regard to the sanctioning of the Railway Bill intitled: "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway."

For all these causes the Lieutenant-Governor cannot conclude this memorandum without expressing to the Premier the regret he feels at being no longer able to continue to retain him in his position, contrary to the rights and privileges of the Crown.

(Signed) L. LETELLIER.

(Translation.)

QUEBEC, 2nd March, 1878.

To His Excellency the Lieutenant-Governor
of the Province of Quebec.

YOUR EXCELLENCY,—I have the honor to acknowledge the receipt of your memorandum, in which you come to the conclusion that you can no longer continue to retain me in my position as Prime Minister. There is no other duty for me to fulfil but to submit to the dismissal from office, which Your Excellency has notified me of, declaring at the same time my profound respect for the rights and privileges of the Crown, and my devotion to the interests of the Province.

I have the honor, &c.,

(Signed) C. B. DEBOUCHERVILLE.
